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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 723—VIRGINIA SUN-CURED TOBACCO PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM FOR THREE MARKETING YEARS BEGINNING OCT. 1, 1950

§ 723.103 *Basis and purpose.* This document is issued to announce the results of the Virginia sun-cured tobacco marketing quota referendum for the marketing year beginning October 1, 1950, and for the three-year period beginning October 1, 1950. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for Virginia sun-cured tobacco for the 1950-51 marketing year (14 F. R. 7243). The Secretary announced (14 F. R. 7253) that a referendum would be held December 15, 1949, to determine whether Virginia sun-cured tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1950, and to determine whether Virginia sun-cured tobacco producers were in favor of or opposed to marketing quotas for Virginia sun-cured tobacco for the three-year period beginning October 1, 1950. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

§ 723.104 *Proclamation of results of the Virginia sun-cured tobacco marketing quota referendum for the marketing year beginning October 1, 1950, and for the three-year period beginning October 1, 1950.* In a referendum of farmers engaged in the production of the 1949 crop of Virginia sun-cured tobacco held on December 15, 1949, 2,021 farmers voted. Of those voting, 1,720 or 85.1 percent favored quotas for a period of three years beginning October 1, 1950; 130 or 6.4 percent favored quotas for only the one year beginning October 1, 1950; and

171 or 8.5 percent were opposed to quotas. Therefore, the national marketing quota of 3,579,000 pounds proclaimed on November 29, 1949 (14 F. R. 7243), for Virginia sun-cured tobacco, for the 1950-51 marketing year, will be in effect for such year and marketing quotas on Virginia sun-cured tobacco will be in effect for the three years beginning October 1, 1950.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 312, 313, 52 Stat. 46, 47, as amended; 7 U. S. C. 1312, 1313.)

Done at Washington, D. C., this 13th day of January 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-552; Filed, Jan. 18, 1950;
8:53 a. m.]

259

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices [Sugar Determination 876.2]

PART 876—HAWAII

1950 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearings held in Honolulu and in Hilo, Territory of Hawaii, on October 19 and 21, 1949, respectively, the following determination is hereby issued:

§ 876.2 *Fair and reasonable prices for the 1950 crop of Hawaiian sugarcane.* Fair and reasonable prices for the 1950 crop of Hawaiian sugarcane to be paid by a processor who, as a producer, applies for payment under the act, shall be not less than those provided for in purchase agreements heretofore entered into between such processor-producer and other producers of sugarcane: *Provided,* That the processor-producer shall not

(Continued on p. 811)

CONTENTS

	Page
Agriculture Department See Production and Marketing Administration.	
Air Force Department Rules and regulations: New Mexico; withdrawing public lands for use as bombing and gunnery range (see Land Management, Bureau of).	
Alien Property, Office of Notices: Vesting orders, etc.: Asada, Shigeru----- Kawamoto, Hiroshi, et al----- Nather, Otto, and Elizabeth Naether----- Neumann, Walter, and H. Neumann----- Okada, Taiji----- Sandby, Herman----- Vogl, Robert M-----	333 333 333 333 334 334 335 334
Army Department Rules and regulations: Arkansas; withdrawing public lands for flood control purposes (see Land Management, Bureau of).	
Census Bureau Notices: Independent retail trade establishments, annual survey of inventories and sales; determination-----	335
Civil Aeronautics Administration Rules and regulations: Air traffic rules; standard instrument approach procedures-----	317
Civil Aeronautics Board See Civil Aeronautics Administration.	
Commerce Department See Census Bureau; Civil Aeronautics Administration.	
Federal Power Commission Notices: Gulf States Utilities Co.; notice of application-----	335
Federal Security Agency See Food and Drug Administration.	



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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Trade Commission	Page
Rules and regulations:	
Americana Corp. et. al.; cease and desist order	321
Food and Drug Administration	
Rules and regulations:	
Statements of general policy or interpretation; use of artificial sweeteners in food and drugs	221

CONTENTS—Continued

Housing Expediter, Office of	
Rules and regulations:	
Rent, controlled; housing and rooms in rooming houses and other establishments in Kansas and Ohio	322
Immigration and Naturalization Service	
Proposed rule making:	
Alien professional singers; exemption from contract labor laws	326
Interior Department	
See Land Management, Bureau of.	
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Chlorinated camphene from Brunswick, Ga., to Southwest	336
Glazing compound from Chicago, Ill., to Ohio	336
Justice Department	
See Alien Property, Office of; Immigration and Naturalization Service.	
Labor Department	
See Wage and Hour Division	
Land Management, Bureau of	
Notices:	
New Mexico; notice for filing objections to order withdrawing public lands for use of Department of the Air Force as bombing and gunnery range	335
Rules and regulations:	
Arkansas; withdrawing public lands for use of Department of the Army for flood control purposes	325
Colorado; modifying public land order to permit issuance of oil and gas leases	326
New Mexico:	
Partial revocation of Executive order of Feb. 18, 1870	328
Withdrawing public lands for use of Department of the Air Force as bombing and gunnery range	328
Maritime Commission	
Notices:	
Agreements filed for approval:	
Pacific Westbound Conference et al.; member lines	336
Trans Pacific Freight Conference (Hongkong); member lines	336
Post Office Department	
Rules and regulations:	
Postal service, international; miscellaneous amendments	324
Production and Marketing Administration	
Notices:	
Dairy and Poultry Inspection and Grading Division, Dairy Branch; delegation of authority	332
Proposed rule making:	
Milk handling in Suburban St. Louis, Mo., area	327

CONTENTS—Continued

Production and Marketing Administration—Continued	Page
Rules and regulations:	
Hops and hop products in Oregon, California, Washington, and Idaho	316
Potatoes, Irish:	
Idaho and Oregon, certain counties	311
Maine; limitation of shipments	317
Sugar; determination of prices in Hawaii, 1950	309
Tobacco, Virginia sun-cured; results of marketing quota referendum for three years beginning Oct. 1, 1950	309
Treasury Department	
Notices:	
Surety companies acceptable on Federal bonds:	
Boston Insurance Co.	332
Old Colony Insurance Co.	332
Wage and Hour Division	
Rules and regulations:	
Handicapped persons, employment; miscellaneous amendments	322
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 3	Page
Chapter I (Proclamations):	
788 (see PLO 628)	325
857 (see PLO 628)	325
1964 (see PLO 628)	325
2201 (see PLO 628)	325
Chapter II (Executive orders):	
Feb. 18, 1870 (revoked in part by PLO 630)	326
4436 (see PLO 628)	325
Title 7	
Chapter VII:	
Part 723	309
Chapter VIII:	
Part 876	309
Chapter IX:	
Proposed rules	327
Part 957	311
Part 986	316
Part 987	317
Title 8	
Chapter I:	
Part 124 (proposed)	326
Title 14	
Chapter I:	
Part 60	317
Title 16	
Chapter I:	
Part 3	321
Title 21	
Chapter I:	
Part 3	321
Title 24	
Chapter VIII:	
Part 825	322
Title 29	
Chapter V:	
Part 524	322

CODIFICATION GUIDE—Con.

	Page
Title 39	
Chapter I:	
Part 127	324
Title 43	
Chapter I:	
Appendix (Public land orders):	
13 (modified by PLO 631)	326
628	325
629	325
630	326
631	326

reduce returns to producers below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices to be paid by a processor-producer (i. e., a producer who is also, directly or indirectly, a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1950 crop purchased from other producers. It prescribes the minimum requirements with respect to prices which must be met as one of the conditions for payment under the act. In this statement, the foregoing determinations, as well as determinations for prior crops, will be referred to as "price determination", identified by the crop year for which effective.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that public hearings be held and investigations made. Accordingly, on October 19 and 21, 1949, public hearings were held in Honolulu and Hilo, Territory of Hawaii, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1950 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Hawaii. In determining fair and reasonable prices, consideration has been given to testimony presented at the hearings and to information resulting from investigations.

(c) *Background.* Determinations of fair and reasonable prices for sugarcane in Hawaii were first issued for the 1937 crop and have been issued for each subsequent crop through 1949. In each of these years, the determination has approved the prices payable in purchase agreements negotiated between processors and producers. During the period 1937 through 1948, the purchase agreements between the parties have been modified from time to time, the result of which has been to increase slightly the share of total proceeds accruing to producers. Because of the adverse financial conditions of five plantations, producers delivering sugarcane to such plantations agreed to accept a reduction of 7.5 cents per one cent of the New York price of raw sugar in the price per ton of sugarcane for the 1949 crop. These agreements provided for the restoration of the original pricing factors within a stated period of time, or sooner if war-

ranted by improvement in the financial conditions of the plantations.

About 90 percent of Hawaiian sugarcane is produced by processors with the balance being grown by a group of producers known as adherent planters. The status of adherent planters ranges from small farmers to individuals who are primarily plantation employees devoting only a nominal amount of time to their farming operations. Included as adherent planters is a group of home-steaders, some of whom are bona fide farmers who fulfill their obligations as planters under the sugarcane purchase agreements, but a few are absentee landlords who rely entirely on the plantation for services in the production, cultivation, and harvesting of the crop under special types of agreements.

(d) *1950 price determination.* The 1950 price determination provides that fair and reasonable prices for the 1950 crop of sugarcane in Hawaii shall be not less than those contained in purchase agreements heretofore entered into between processors and producers.

As a result of a study of returns, costs, profits, and related factors of the Hawaiian sugar industry, it has been possible to analyze in much more detail the prices payable for sugarcane in purchase agreements between processors and producers than had been possible in the past. The study, conducted in 1949, covered the operations of plantation farming units and plantation mills for the 1945, 1946, 1947, and 1948 crops and the operations of a representative group of adherent planters for the 1948 crop. In the analysis of prices payable for sugarcane, consideration was given to the relationships of costs, returns, and profits of adherent planters and plantation mills, the influence that the volume of sugarcane produced by adherent planters has upon the operation of plantation mills, and the returns to adherent planters from their sugarcane operations in terms of man-hour input. Comparisons also were made between the operations of adherent planters and plantation farming units and between adherent planters and total plantation operations. Based on factors considered, the analysis indicates that it is fair and reasonable to approve prices contained in purchase agreements heretofore entered into between processors and producers. This action is also in conformity with the recommendations made by representatives of both processors and producers at the public hearings.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. II, 1153. Interpret or apply sec. 301, 61 Stat. 929; 7 U. S. C. Supp II, 1131)

Issued this 13th day of January 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-554: Filed, Jan. 18, 1950;
8:53 a. m.]

266

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.; 13 F. R. 8585), a public hearing was held at Pocatello, Idaho, on August 29-30, 1949, upon proposed amendments to Marketing Agreement No. 98 and Marketing Order No. 57 regulating the handling of Irish potatoes grown in certain designated counties of Idaho and Malheur County, Oregon. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order, as amended, prescribed, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(2) This order, as amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(3) This order, as amended, and all of the terms and conditions of this order, as amended, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, as amended, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(4) All handling of potatoes grown in the production area and in the current

of commerce between the production area and any point outside thereof, is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(5) It is hereby found that (i) the seasonal average price for potatoes grown in the production area was less than parity in 13 of the 20 seasons 1928-1948 inclusive, as such parity was computed in the manner used prior to January 1, 1950, and (ii) the seasonal average price for the 1949 crop of potatoes grown in the production area will not exceed, on the basis of the historical trend of prices for such potatoes, the current level of potato prices and production, and the level of support prices for the 1949 crop of potatoes, the parity level computed in the manner prescribed for use on and after January 1, 1950, by the act, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

(b) **Additional findings.** It is necessary, in the public interest, to make the effective date of this order, as amended, not later than January 1950. Any delay beyond such effective date will seriously interfere with development and attainment of more efficient and orderly marketing of the remainder of the current 1949 crop of Irish potatoes grown in the production area than could be possible under present provisions of Marketing Order No. 57. The order, as amended, provides authority for regulating shipment of potatoes in special outlets, such as export, differently than for those shipped in domestic table stock channels so that orderly marketing can be developed and maintained. Marketing of the 1949 crop of potatoes grown within the production area has already begun. Some growers and handlers have waited for approval of this amended order so that they can ship in the export market sizes otherwise prohibited. The prompt issuance of this order, as amended, will serve the best interests of potato growers and handlers in the production area. It is also necessary to make this order, as amended, effective by the aforesaid date so that the Idaho-Eastern Oregon Potato Committee, the administrative agency provided for in the order, as amended, can make their recommendations as early as possible with respect to additional outlets now denied to them for certain sizes of potatoes. By promptly issuing this order, as amended, it will be possible for regulations to be formulated and issued so that producers will be in position to obtain the benefits of this amended program on as much of their 1949 crop of potatoes as is possible.

Compliance with this order, as amended, will not require any special preparation on the part of handlers which cannot be completed by the effective time hereof. Adequate notice will be given by the committee so that handlers will have sufficient time to make necessary preparations for compliance with rules and regulations which may be issued after the effective date hereof. The nature and provisions of the order, as amended, are well known to potato handlers in the production area since the public hearing thereon was held in August 1949, the recom-

mended decision was published in the FEDERAL REGISTER on November 23, 1949, and the Secretary's decision was also published in the FEDERAL REGISTER in December 1949. In addition, a copy of the proposed order, as amended, with a ballot and information with respect to the referendum which was held December 12 through December 19, 1949, was sent to each potato grower of record within the production area. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order, as amended, effective January 19, 1950 and that it would be contrary to public interest to delay the effective date thereof for 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.).

(c) **Determinations.** It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) who handled not less than fifty percent of the volume of potatoes covered by the order, as amended;

(2) The order, as amended, regulates the handling of such Irish potatoes in the same manner as, and is made applicable only to the persons in the respective classes of industrial and commercial activity specified in, the aforesaid marketing agreement;

(3) The issuance of the order, as amended, is favored or approved (i) by at least two-thirds of the producers who participated in a referendum conducted by the Secretary of Agriculture and who, during the representative period (July 1, 1948-June 30, 1949) determined by the Secretary of Agriculture, were engaged, within the production area specified therein, in the production of Irish potatoes for market, and (ii) by producers who participated in the aforesaid referendum, who, during the aforesaid representative period, produced for market, within the production area specified therein, at least two-thirds of the volume of Irish potatoes produced by all producers who participated in the said referendum.

Order relative to handling. It is hereby ordered, pursuant to the findings and determinations set forth in § 957.0 hereof, and pursuant to the aforesaid act, that such handling of potatoes, as defined in this order, as amended, shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this order, as amended.

Sec.

- 957.1 Definitions.
- 957.2 Administrative committee.
- 957.3 Expenses and assessments.
- 957.4 Regulation.
- 957.5 Inspection and certification.
- 957.6 Exemptions.
- 957.7 Reports.
- 957.8 Compliance.
- 957.9 Right of the Secretary.
- 957.10 Effective time and termination.

Sec.	
957.11	Effect of termination or amendments.
957.12	Duration of immunities.
957.13	Agents.
957.14	Derogation.
957.15	Personal liability.
957.16	Separability.
957.17	Amendments.

AUTHORITY: §§ 957.1 to 957.17 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 957.1 **Definitions.** As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended. (7 U. S. C. 601 et seq.; 61 Stat. 202, 707).

(c) "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

(d) "Production area" means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

(e) "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

(f) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(g) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State from which the potatoes are shipped, or other seed certification agencies which the Secretary may recognize and approve.

(h) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(i) "Ship" or "handle" means to pack, sell, transport, or in any other way to place potatoes in the current of interstate or foreign commerce between the production area and any point outside thereof, or so as directly to burden, obstruct, or affect any such commerce.

(j) "Producer" means any person engaged in the production of potatoes for market.

(k) "Committee" means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 957.2 hereof.

(l) "Fiscal year" means the period beginning on June 1 of each year and ending May 31 of the following year.

(m) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon; or

(3) Standards for potatoes issued by the State from which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

(n) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(o) "District" means each one of the geographical divisions of the production area established pursuant to § 957.2 (c).

§ 957.2. Administrative committee—

(a) *Establishment and membership.* (1) The Idaho-Eastern Oregon Potato Committee consisting of 8 members, of whom 5 shall be producers and 3 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) (i) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(ii) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the production area, or officers or employees of a corporate handler in the aforesaid area, and such persons shall be residents of the production area.

(b) *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of June and continuing until the end of the then current fiscal year, and until their successors are selected and have qualified. Committee members and alternates shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Districts.* For the purpose of selecting committee members, the following districts of the production area are hereby established:

District No. 1. The counties of Oneida, Power, Bingham, Butte, Clark, and all counties lying east thereof in Idaho;

District No. 2. Malheur County, Oregon, and counties of Owyhee, Elmore, Boise, Valley, and all counties lying west thereof in Idaho;

District No. 3. The remaining designated counties in Idaho included in the production area, and not included in District 1 or District 2.

(d) *Selection.* The Secretary shall select two producer members of the committee, with their respective alternates,

from District No. 1, one producer member with his respective alternate from District No. 2 and two producer members, with their respective alternates, from District No. 3 designated in paragraph (c) of this section, which members and alternates shall represent the respective district from which they are selected. The Secretary shall also select one handler member of the committee, with his respective alternate, from each district.

(e) *Nominations.* The Secretary shall select the members and alternates of the Idaho-Eastern Oregon Potato Committee from nominations made in the following manner:

(1) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date hereof, a meeting or meetings of producers and of handlers in each of the districts designated in paragraph (c) of this section to nominate committee members and alternates;

(2) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(5) Only producers may participate in designating nominees for producers' committee members, and their alternates. A producer who handles potatoes other than his own production shall not qualify as a producer under this section, if the potatoes of his own production constituted less than 51 percent of the total potatoes handled by such person during the previous season. Only handlers may participate in designating nominees for handler committee members and their alternates;

(6) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. *Provided*, That in the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(f) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (e) of this section, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(g) *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing

a written acceptance with the Secretary within ten days after being notified of such selection.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (e) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(i) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor of such member is selected and has qualified.

(j) *Procedure.* (1) A majority of members of the committee shall be necessary to constitute a quorum and at least five concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(k) *Expenses and compensation.* Committee members or their respective alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$5.00 for each day, or portion thereof, spent in attending to committee business.

(l) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information when deemed desirable by the committee with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

§ 957.3 Expenses and assessments—

(a) *Budget.* (1) The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

(2) The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget, or on the basis of other available information, finds may be necessary during each fiscal year to perform its functions hereunder and for such other purposes as may be appropriate pursuant to the provisions hereof.

(3) The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary on the basis of the committee recommendation. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such

expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

(4) Upon recommendation of the committee and upon a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

(5) No assessment rate in excess of one dollar per carload or truck load shall be allowed under the provisions hereof.

(b) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event proportionate refund shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(c) *Funds.* All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

(3) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 957.4 Regulation—(a) Marketing policy—(1) Preparation. At the beginning of each fiscal year the committee shall consider and prepare a proposed policy for the marketing of potatoes during such fiscal year. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(i) Market prices of potatoes, including prices by grade, size, and quality in wholesale or in consumer packs, or any other shipping unit;

(ii) Potatoes on hand in the market areas and as manifested by supplies enroute and on track at the principal markets;

(iii) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) *Reports.* (1) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy. The committee shall also notify producers and handlers of the contents of such reports.

(ii) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy, in accordance with the manner previously outlined. The committee shall also submit a report thereon to the Secretary and notify producers and handlers of such revised or amended marketing policy.

(b) *Committee recommendations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in paragraph (c) of this section, will tend to effectuate the declared purposes of the act. The committee may also recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in paragraph (c) (2) of this section.

(c) *Issuance of regulations.* (1) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(i) Regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of potatoes during any period; or

(ii) Regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, or any combination of the foregoing, during any period; or

(iii) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(2) The Secretary, whenever he finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to § 957.3 or § 957.4 (c) (1), or both, in order to facilitate shipments of potatoes for the following purposes:

(i) For seed;

(ii) For export;

(iii) For distribution by the Federal Government under programs authorized by the Secretary;

(iv) For manufacture or conversion into specified products;

(v) For livestock feed;

(vi) For other purposes which may be specified.

(3) The committee, with the approval of the Secretary, may establish, for any or all portions of the production area,

minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 957.3, 957.4, or 957.5.

(4) The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination of regulations pursuant to this section. The committee shall give reasonable notice thereof to handlers.

(d) *Safeguards.* (1) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to paragraph (b) (2) of this section from entering channels of trade for other than the specific purpose authorized therefor.

(2) Safeguards, as prescribed herein, may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to paragraph (c) (2) of this section;

(ii) Handlers shall obtain inspection provided by § 957.5 or pay the pro rata share of expenses provided by § 957.3, or both, in connection with potato shipments effected under the provisions of paragraph (c) (2) of this section: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(iii) Handlers shall obtain Certificate of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of paragraph (c) (2) of this section.

(3) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee.

(4) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in paragraph (c) (2) of this section were handled contrary to the provisions hereof.

(5) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(6) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

§ 957.5 *Inspection and certification.* During any period in which the shipment of potatoes is regulated pursuant to the provisions of § 957.4, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate.

§ 957.6 *Exemptions.* (a) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(b) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.4 he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(c) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.4 he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of shipment.

(d) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(e) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(f) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(g) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all

exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 957.7 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 957.8 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 957.9 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 957.10 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 957.11 *Effect of termination or amendments.* (a) Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (2) release or extinguish any violation hereof or of any regulation issued hereunder, or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) The persons who are committee members and alternates on the effective date hereof shall continue in office hereunder until the end of the then current fiscal year (the following May 31), and until their successors have been selected and have qualified; and any regulations issued pursuant to §§ 957.2, 957.3, 957.4, or 957.9, and all rules or regulations issued pursuant to Order No. 57, shall continue in effect until modified, suspended, or terminated by the Secretary in accordance with the provisions hereof.

§ 957.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 957.13 *Agents.* The Secretary may, by designation in writing, name any per-

son, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 957.14 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 957.15 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 957.16 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 957.17 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D. C., this 16th day of January 1950, to be effective on and after 12:01 a. m., m. s. t., January 19, 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-591; Filed, Jan. 18, 1950;
8:53 a. m.]

268
PART 986—HANDLING OF HOPS GROWN IN
OREGON, CALIFORNIA, WASHINGTON, AND
IDAHO, AND OF HOP PRODUCTS PRODUCED
THEREFROM IN THESE STATES

ELECTION OF NOMINEES FOR GROWER, GROWER-DEALER, AND DEALER MEMBERS AND ALTERNATE MEMBERS OF THE HOP CONTROL BOARD

Pursuant to the provisions of § 986.2 (c) of Marketing Agreement No. 107 and Order No. 86 (14 F. R. 3660) regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, which marketing agreement and order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 1051; 7 U. S. C. 601 et seq.), such rules and regulations as shall be adopted by the Hop Control Board (established pursuant to said marketing agreement and order) and approved by the Secretary of Agriculture shall govern each election held for the purpose of nominating grower, grower-dealer, and dealer

members and alternate members of the said Hop Control Board. The aforesaid provisions require that regulations prescribing the method or methods for, and the rules governing the election of the aforesaid nominees for membership on the Hop Control Board, and which shall assure to all persons eligible to take part in such elections reasonable opportunity to select candidates and to vote for nominees, be adopted by the Hop Control Board and submitted to the Secretary on or before November 1, 1949. These requirements have been met.

The following rules and regulations on the matter, which have been adopted by the Hop Control Board, are approved by the Secretary, and it is, therefore, ordered as follows:

§ 986.501 *Elections of nominees for grower, grower-dealer, and dealer members and alternate members of the Hop Control Board—(a) Grower nominations.* Each of the Growers Advisory Committees, established pursuant to § 986.4 of Marketing Agreement No. 107 and Order No. 86 (14 F. R. 3660), shall hold a meeting between January 15 and February 15 of each calendar year in which elections are required to be held (hereinafter in these rules and regulations referred to as the "election year") for the purpose of electing nominees for grower members and alternate members of the Hop Control Board. Each such election shall be conducted and supervised by the officers of the Advisory Committee for the area served by it. At least three nominations shall be made. If more than three nominations are made, a vote shall be taken, with each voter voting for three of the nominees, and the three persons receiving the largest number of votes shall be the nominees. Certified tabulations of each such election shall be forwarded by the chairman of the Growers Advisory Committee serving the particular area, on or before the following February 20, to the Secretary of the Hop Control Board, who shall transmit such nominations, together with the tabulations, promptly to the designated agent of the Secretary of Agriculture on or before March 1 of each election year.

(b) *Grower-dealer and dealer nominations—(1) Nomination petitions.* Any eligible person may be nominated to serve as a member or alternate member of the Hop Control Board to represent grower-dealers by written petitions signed by one or more persons who are in the area and group classification to be represented by such nominee. Any eligible person may be nominated to serve as a member or alternate member of the Hop Control Board to represent dealers by written petitions signed by one or more persons who are members of the group and volume classification to be represented by such nominee. Any such nominating petition must be filed with and received by the Secretary of the Hop Control Board prior to January 15 of the election year.

(2) *Preparation of ballots.* As soon as practicable after January 15 of each election year, and in no event later than February 1 of said year, the Secretary of the Hop Control Board shall prepare for

each of the membership and alternate membership classifications for the aforesaid groups (grower-dealer and dealer), a ballot on which shall appear the name of each person nominated within the group classification as hereinafter provided, together with space wherein there may be written the name of any other eligible person for whom the particular voter may wish to cast his ballot. Such ballots shall be distributed by mail to each known person entitled to vote within the group classification covered by that ballot. Such group classifications are as follows:

(i) Grower-dealers whose principal offices are within the States of Oregon, California, Washington or Idaho;

(ii) Grower-dealers whose principal offices are outside the States of Oregon, California, Washington and Idaho;

(iii) Dealers handling less than 10,000 bales of hops (including hop products expressed as dried hops) during the next preceding marketing season;

(iv) Dealers handling between 10,000 and 25,000 bales of hops (including hop products expressed as dried hops) during the next preceding marketing season; and

(v) Dealers handling over 25,000 bales of hops (including hop products expressed as dried hops) during the next preceding marketing season.

(3) *Voting.* In lieu of voting for a nominee whose name has been listed on the ballot as having been nominated by petition, any voter may write in and vote for on such ballot any other eligible person of his own choice. The nominee for member in each group classification receiving the largest number of votes (weighted, respectively, according to the number of bales of hops handled) shall be the nominee of the particular group classification for member to represent it and the nominee for alternate receiving the largest number of votes (weighted, respectively, according to the number of bales of hops handled) shall be the nominee of the particular group classification for alternate member to represent it. Each ballot shall be signed by the person voting the same, shall bear his address, and shall contain the grower-dealer or dealer's statement of the quantity of hops and of hop products (expressed as dried hops) produced in Oregon, California, Washington or Idaho, handled by that grower-dealer or dealer during the next preceding marketing season. Each ballot cast shall be kept confidential by the Secretary of the Hop Control Board. Each ballot shall be delivered to the Secretary of the Hop Control Board at the Salem, Oregon, office thereof, not later than 5:00 p. m. P. S. T., February 15 of the election year and only such ballots as are signed with the name and address of the person voting the same, and are delivered within the aforesaid time, shall be counted in determining the results of the election.

(4) *Tabulating and reporting results.* On or after February 15 of the election year the Secretary of the Hop Control Board personally shall count and compile the votes cast as hereinbefore provided. Each ballot, and a compilation of all ballots, shall be delivered by the

Secretary of the Hop Control Board, not later than March 1 of the election year, to the designated agent of the Secretary of Agriculture of the United States.

(c) *Time of elections.* Elections of grower, grower-dealer and dealer nominees shall be conducted as aforesaid, beginning in 1950, and thereafter at two-year intervals.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 13th day of January 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-553; Filed, Jan. 18, 1950;
8:53 a. m.]

270 PART 987—IRISH POTATOES IN MAINE

LIMITATION OF SHIPMENTS

§ 987.304 Limitation of shipments—

(a) *Findings.* (1) Pursuant to Marketing Agreement No. 108 and Order No. 87 (7 CFR 987.1 et seq.) regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Maine Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule-making procedure and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of 1949 crop Irish potatoes grown in the State of Maine have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of potatoes in the manner set forth below on and after the effective date herein-after set forth, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date hereof, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the State of Maine Potato Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) The provisions of § 987.302 (14 F. R. 5778) and § 987.303 (14 F. R. 6245) are hereby terminated as of the effective date of this section.

(2) During the period from January 23, 1950, to June 30, 1950, both dates

inclusive, no handler shall ship potatoes of the Bliss Triumph variety which are not U. S. No. 1 or better grade, and are less than 1½ inches minimum diameter, as such grades and size are defined in the U. S. Standards for Potatoes (14 F. R. 1955, 2161), including the tolerances set forth therein; and no handler shall ship any potatoes, other than potatoes of the Bliss Triumph variety, which are not U. S. No. 1 or better grade, and are not less than 2¼ inches minimum diameter nor more than 3¾ inches maximum diameter, as such grades and sizes are defined in the said U. S. Standards for Potatoes, including the tolerances set forth therein: *Provided*, That the aforesaid limitation shall not be applicable to shipments of potatoes for export; shipments of potatoes purchased by the Commodity Credit Corporation under the price support program for distribution by the Federal Government; shipments of potatoes for distribution by relief agencies or for consumption by charitable institutions; shipments of potatoes for the purpose of having such potatoes manufactured or converted into non-food products or for canning; shipments of potatoes for livestock feed; and shipments of seed potatoes, except that the State of Maine Potato Committee may prescribe adequate safeguards applicable to the aforesaid shipments as provided by § 987.6 (c) of Order No. 87: *Provided further*, That for the period ending June 30, 1950, § 987.4 (d) of Marketing Agreement No. 108 and Order No. 87 (Inspection and Certification) is suspended with respect to each shipment of potatoes grown in District No. 4 of the production area which is not in excess of 1500 pounds net weight.

(3) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 108 and Order No. 87.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of January 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-551; Filed, Jan. 18, 1950;
8:45 a. m.]

271 TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3, Amdt. 3]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

Under section 205 (a) of the Civil Aeronautics Act of 1938, as amended, the Administrator of Civil Aeronautics is authorized to make and amend such rules, regulations, and procedure as are necessary to carry out the provisions of, and to perform and exercise his powers and duties under, the act. Under section 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board

is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce. Under §§ 42.55 (b), 42.56, and 60.46 of the Civil Air Regulations, the Civil Aeronautics Board has authorized the Administrator of Civil

Aeronautics to prescribe standard instrument approach procedures, including ceiling and visibility minimums.

Acting pursuant to the foregoing statutes and regulations, standard instrument approach procedures were prescribed. Those procedures are hereby amended. This amendment is made

effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

LOW FREQUENCY RANGE PROCEDURES

Station; frequency, location; class	Minimum initial approach altitude from the direction and radio fix indicated	Shuttle	Final approach range course	Procedure turn minimum at distances from radio range station.	Station to airport	Field elevation	Ceiling and visibility minimum				
							Min- imum altitude over range- final approach	Magnetic bearing (miles)	Ceiling (feet)	Night	
BAKERSFIELD, CALIF. Bakersfield-Kern Co. Airport SW-1,300' (Newhall Range) SE-6,000' (Lakeview FM) SW-5,000' (Piney Flat) NW-3,000' (Fresno Range) NW-3,000' (Fresno FM) (final)	NW	NW	10 mi.—2,000' W side NW crs 15 mi.—2,000' W side NW crs 20 mi.—2,000' W side NW crs 25 mi.—2,000' W side NW crs	1,000' 141°	141°	513°	R	700	2,0	700	2,0
BATON ROUGE, LA. Harding Field 347 kc; BTR; BMRLZ-DTV	NE—Min. en route alt. SW-1,300' (Lakeview Mtn) NW-1,300' (Alexandria Range)	None	NW	10 mi.—1,100' W side NW crs 15 mi.—1,200' W side NW crs 20 mi.—1,200' W side NW crs 25 mi.—1,200' W side NW crs	700'	126°	3,4	70°	R	300	1.5
DALLAS, TEX. Love Field 347 kc; DAL; SBRAZ-DTV	N—2,000' (N crs Ft. Worth) E—2,000' (N crs Ft. Worth) S—1,300' (Waco Range) S—1,300' (Dentonville FM) (final) W—4,000' (S crs Ft. Worth)	None	S	10 mi.—1,700' E side S crs 20 mi.—1,700' E side S crs 25 mi.—1,700' E side S crs	1,260'	356°	2,2	483°	R	300	1.5
HOUSTON, TEX. Ellington FAB 323 kc; HOU; SBRAZ-DTV	E—1,600' (Beaumont Range) SE—1,300' (Galveston Range) SW—1,300' (S crs Richmond) NW—1,000' (N crs Richmond)	NW crs	NW	10 mi.—1,000' W side NW crs 15 mi.—1,000' W side NW crs 20 mi.—1,000' W side NW crs 25 mi.—1,000' W side NW crs	700'	91°	4,9	39°	R	300	2,0
NEW YORK, N.Y. Floyd Bennett NAS Procedure No. 2	N—3,000' (SE crs Salina), E—2,500' (SW crs Marshall) S—2,800' (E crs Hutchinson) W—3,000' (S crs Waldo V.A.R.)	None	N	10 mi.—3,000' W side N crs 15 mi.—3,000' W side N crs 20 mi.—3,000' W side N crs 25 mi.—3,000' W side N crs	2,200'	121°	5,5	1,300°	R	*300	1.5
SMOKEY HILL, KANS. Salina Airport 347 kc; SLN; BMRLZ	NE—2,200' (S crs Joplin) SE—Min. en route alt. SW—2,200' (S crs Chanute) (final)* NW—2,200' (E crs Okla. City) NW—2,200' (S crs Wichita) NW—2,000' (Skiatook FM)	None	NE	10 mi.—1,800' N side NE crs 15 mi.—1,800' N side NE crs 20 mi.—1,800' N side NE crs 25 mi.—2,000' N side NE crs	1,300'	225°	1,0	674°	R	300	1.5
TULSA, OKLA. Tulsa Airport 347 kc; TUL; SBRAZ-DTV	NE—1,300' (S crs Melbourne) E—Min. en route alt. S—1,400' (Miami Range) S—1,200' (Ft. Lauderdale FM) W—Min. en route alt.	None	W	10 mi.—1,300' S side W crs 15 mi.—1,300' S side W crs 20 mi.—1,300' S side W crs 25 mi.—1,300' S side W crs	600'	80°	2,4	19°	R	300	1.5
W. PALM BEACH, FLA. Palm Beach International Airport 209 kc; FBI; SBRAZ-DTV	N—1,300' (NW crs Melbourne) E—Min. en route alt. S—1,400' (Miami Range) S—1,200' (Ft. Lauderdale FM) W—Min. en route alt.	None	W	10 mi.—1,300' S side W crs 15 mi.—1,300' S side W crs 20 mi.—1,300' S side W crs 25 mi.—1,300' S side W crs	600'	80°	2,4	19°	S	300	1.0
WILLOW GROVE, PA. Willow Grove NAS 347 kc; XXX; BMRLZ	NE—1,300' (NW crs Philadelphia) SE—2,300' (N crs Philadelphia) SW—1,300' (N crs Philadelphia) NW—2,000' (SW crs Allentown)	None	NE	10 mi.—1,300' N side NE crs 15 mi.—1,300' N side NE crs 20 mi.—1,300' N side NE crs 25 mi.—1,300' N side NE crs	1,000'	241°	3,3	369°	R	300	1.5
WRIGHT-PATTERSON AFB, Dayton, Ohio, Wright	PROCEDURE CANCELLED.									300	2,0
	PROCEDURE CANCELLED.									300	1.0
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2. Section 60.46-9 Instrument landing system procedures (CAA rules which apply to § 60.46) is amended by adding the following procedures where procedures have not been established, and by substituting the following procedures where procedures have been established:

INTERCITY LAXENZI STARING PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS						Final ILS approach turn minimum on ILS	Procedure turn minimum on ILS	Glide path alt. over markers at glide path intercept	Distance from markers to approach end of runway (mile)	Field elevation			Minimums		
	From—	To—	Max. distance (dials)	Min. distance (dials)	Mileage (miles)	Altitude (ft.)					Middle	Outer	Middle	Outer	Field elevation	Ceiling (ft.)
BISMARCK, N. DAK., Int. W.ers. Bismarck and S.E crs ILS. Free: 110.3 mc. Ident. DAL.	Outer Marker	114	5.0	3,400	SE 3,000'—E side 364° 124°	3,000'—E side 364° 124°	3,000'	2,660'	1,855'	4.20	6.70	1,600'	R	300	1.5	Climb to 3,000' on W.ers. of Bismarck range to ILS. F.M.
BISMARCK Rng	Outer Marker	143	3.8	3,400									A	300	2.0	
BISMARCK Rng	SE crs ILS	223	1.8	3,400									T	300	1.0	
DRISCOLL FM	Outer Marker	246	28.5	3,400												
DALLAS, TEX. Love Field Free: 100.3 mc. Ident. DAL.	NW crs ILS	341	4.0	1,700	NW 1,700'—N side 1,700' NW crs	1,700'—N side 1,700' NW crs	1,700'	1,500'	700'	4.35	7.70	600'	R	300	1.5	Climb to 2,000' on SE crs of ILS and proceed out E.ers. of Dallas, or alternate procedure (when directed by ATC), turn left, climb to 2,000' on track of 54° intersect and proceed E. on E.ers. of Fort Worth.
INT. E.ers. Dallas and S.E. crs ILS	Outer Marker	305	2.0	1,700									A	300	2.0	
INT. E.ers. Ft. Worth and N.ers. Dallas	Outer Marker	196	3.0	1,700									T	300	1.0	
INT. E.ers. Ft. Worth and NW crs of ILS	Outer Marker	126	3.0	1,700												
PORT WORTH, TEX. Ft. Worth Range Hasset II	Outer Marker	333	1.7	2,000	N 2,000'—W side 2,000' N crs	2,000'—W side 2,000' N crs	2,000'	2,000'	800'	4.10	7.71	600'	R	300	1.5	Climb to 2,000' on S.ers. of Ft. Worth. Garrison: Do not descend below 2,000' before E.ers. path. 2,000' below E.ers. path, 2.4 mi. S of center marker.
INDIANAPOLIS, IND. Meacham Field Free: 100.9 mc. Ident. PTW	N crs ILS	215	2.0	2,000									A	300	2.0	
INDIANAPOLIS, IND. Indianapolis Range	SW crs ILS	105	7.8	1,900	SW 1,900'—S side 44° 23°	1,900'—S side 44° 23°	1,900'	1,720'	1,010'	4.30	7.80	750'	R	300	1.5	Climb to 2,400' on E.ers. of Indianapolis to NW crs of Cincinnati.
INT. E.ers. Indianapolis and S.W crs ILS	Outer Marker	193	2.6	1,900									A	300	2.0	
INT. S.ers. Indianapolis and S.W crs ILS	Outer Marker	224	5.0	1,900									T	300	1.0	
OKLAHOMA CITY, Okla. City Range	S crs ILS	78	2.5	2,500	S 2,000'—E side S 2,400' crs	2,000'—E side S 2,400' crs	2,000'	2,400'	1,500'	4.60	7.60	1,250'	R	300	1.5	Climb to 3,000' on N.ers. of Oklahoma City, or alternate procedure (when directed by ATC), turn left, climb to 3,000' on S.ers. of Oklahoma City within 25 mi.
WILL ROGERS FIELD, Okla. City	Washington FM	235	16.0	2,500									A	300	3.4	
INT. N.ers. Okla. City and N.ers ILS	Outer Marker	170	15.0	2,500									T	300	2.0	
OKLAHOMA CITY FM	S crs ILS	238	2.1	2,500												
MUSING FM	Outer Marker	194	11.3	2,500												
PORTLAND, OREG. Portland Airport Free: 109.9 mc. Ident. PDX	NW crs ILS	210	3.5	2,000	NW 1,900'—** N side 1,112° NW crs	1,900'—** N side 1,112° NW crs	1,900'	1,200'	4.81	2.22	R	600	1.5	Climb to 1,120' on ILS transmitter. Then execute a climb left turn, return to M.M.K. (204.10) at 1,040', then crs 115° to 1,040' on S.ers. of Portland Range and not above 1,500' until southbound passed M.M.K. "Intercept ILS NW crs at 1,040' on ILS crs to 1,500' from outer turn." Procedure turns not southward on S. side of NW crs due to high terrain. Flight minimums.		
WOODLAND FM	NW crs ILS*	176	19.0	2,000									A	600	2.0	
WALAMETTE FM	NW crs ILS*	223	25.0	2,000									T	600	1.0	

RULES AND REGULATIONS

These procedures shall become effective upon publication in the **FEDERAL REGISTER**.

(Sec. 205 (a), 52 Stat. 984, as amended by Reorg. Plans III and IV of 1940, 5 F. R. 2107, 2421; 49 U. S. C. 425 (a), 3 CFR, Cum. Supp. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. and Sup. 551)

[SEAL] DONALD W. NYROP,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 50-545; Filed, Jan. 18, 1950;
8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5085]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICANA CORP. ET AL.

Subpart—Advertising falsely or misleadingly: § 3.15 *Business status, advantages or connections; personnel or staff*; § 3.20 *Comparative data or merits*; § 3.105 *Individual's special selection or situation*; § 3.140 *Old, reclaimed or reused as new*; § 3.155 *Prices; exaggerated as regular and customary; prices; usual as reduced, special, etc.*; § 3.240 *Special or limited offers*; § 3.250 *Success, use or standing*. **Subpart—Misrepresenting oneself and goods: Business status, advantages or connections**; § 3.1520 *Personnel or staff; Goods*; § 3.1575 *Comparative data or merits*; § 3.1695 *Old, secondhand, reclaimed or reconstructed as new*; § 3.1755 *Success, use or standing; Prices*; § 3.1805 *Exaggerated as regular and customary*; § 3.1825 *Usual as reduced or to be increased*. **Subpart—Offering unfair, improper and deceptive inducements to purchase or deal**; § 3.1985 *Individual's special selection or situation*; § 3.2000 *Limited offers or supply*. In connection with the offering for sale, sale or distribution of respondent's encyclopedia designated "Americana" or "Encyclopedia Americana" and material supplementary thereto, or any other publication, in commerce, (1) representing, directly or by implication, that said publication is the best known or most authoritative encyclopedia published in the United States, or that it is America's supreme authority; (2) representing, directly or by implication, that said publication contains more articles than any other encyclopedia, or that it presents more information than any other set of books; (3) representing, directly or by implication, that said publication is the choice of all government departments, educational institutions, boards of education or public libraries as the official reference work; (4) representing, directly or by implication, that said publication is available only to selected individuals under special conditions when such is not the fact; (5) representing, directly or by inference, that individuals employed by the respondent to sell its publication are anything other than salesmen soliciting prospects to purchase said publication at prices regularly established by the respondent; (6) representing as the customary or usual

price of said publication any price or value which is in fact in excess of the price at which it is customarily offered for sale and sold in the usual course of business; or, (7) representing that any issue of said publication constitutes a new edition thereof, unless and until the contents of former editions have been revised and new encyclopedic material has been added to the extent necessary to reflect the then current information on the various subjects covered by such publication; prohibited.

(Sec. 6 (g), 38 Stat. 722; 15 U. S. C. 46 (g). Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, Americana Corporation et al., Docket 5085, Dec. 8, 1949]

In the Matter of Americana Corporation, a Corporation, and Fred P. Murphy, Joseph C. Graham, Jr., and Thomas J. Kirk, Individually and as Officers of Americana Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's answers thereto, and a stipulation of facts entered into by and between counsel for the respondents and counsel in support of the complaint (the recommended decision of the trial examiner, briefs and oral argument having been waived); and the Commission having made its findings as to the facts and its conclusion that the respondents had violated the provisions of the Federal Trade Commission Act, on July 14, 1948, issued, and on July 28, 1948, served upon each of the respondents its order to cease and desist. Thereafter, this matter came on for hearing before the Commission upon a petition, filed on behalf of the respondent, Americana Corporation, requesting certain modifications in the aforesaid order to cease and desist, and the answer to such petition filed by counsel in support of the complaint; and the Commission, having considered said petition and answer and the record herein, and being of the opinion that its order to cease and desist issued July 14, 1948, should be modified in certain respects:

It is ordered, That the respondent, Americana Corporation, a Delaware corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its encyclopedia designated "Americana" or "Encyclopedia Americana" and material supplementary thereto, or any other publication, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that said publication is the best known or most authoritative encyclopedia published in the United States, or that it is America's supreme authority;

(2) Representing, directly or by implication, that said publication contains more articles than any other encyclopedia, or that it presents more information than any other set of books;

(3) Representing, directly or by implication, that said publication is the choice of all government departments, educational institutions, boards of education or public libraries as the official reference work;

cation or public libraries as the official reference work;

(4) Representing, directly or by implication, that said publication is available only to selected individuals under special conditions when such is not the fact;

(5) Representing, directly or by inference, that individuals employed by the respondent to sell its publication are anything other than salesmen soliciting prospects to purchase said publication at prices regularly established by the respondent;

(6) Representing as the customary or usual price of said publication any price or value which is in fact in excess of the price at which it is customarily offered for sale and sold in the usual course of business;

(7) Representing that any issue of said publication constitutes a new edition thereof, unless and until the contents of former editions have been revised and new encyclopedic material has been added to the extent necessary to reflect the then current information on the various subjects covered by such publication.

It is further ordered, For reasons appearing in the Commission's findings as to the facts, that the complaint herein be, and it hereby is, dismissed as to the individual respondents, Fred P. Murphy, Joseph C. Graham, Jr., and Thomas J. Kirk.

It is further ordered, That the respondent, Americana Corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and from in which it has complied with this order.

Issued: December 8, 1949.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-556; Filed, Jan. 18, 1950;
8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

USE OF ARTIFICIAL SWEETENERS IN FOOD AND DRUGS

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.14 *Notice to manufacturers and distributors of foods and drugs containing artificial sweeteners*. Chronic-toxicity studies conducted by the Food and Drug Administration show, that the artificial sweeteners dulcin (also known as sucrol, or 4-ethoxy-phenylurea, or paraphenetolcarbamide) and P-4000 (also known as 1-n-propoxy-2-amino-4-nitrobenzene) cause injury to rats when fed at relatively low levels for approximately 2 years. Consequently, the Federal Security Administrator regards these chemicals as poisonous substances which have no place in any food.

Pending further evaluation of available data, it is not possible to state the conditions under which dulcin or P-4000 would render a drug in which it is used dangerous to health. Since other artificial sweeteners are available which have a much greater margin of safety in chronic-toxicity studies, the use of dulcin and P-4000 as sweeteners of drugs is to be discouraged.

(Sec. 701 (a), 52 Stat. 1055; 22 U. S. C. 371 (a))

Dated: January 13, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-550; Filed, Jan. 18, 1950;
8:47 a. m.]

271 TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 210]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 208]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

KANSAS AND OHIO

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 121, is amended to read as follows:

(121) [Revoked and decontrolled]

This decontrols the entire Salina, Kansas, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 228, is amended to describe the counties in the Defense-Rental Area as follows:

Cuyahoga County, except the Villages of Bay, Brecksville, Chagrin Falls, North Olmsted, Orange and West View, and in Lake County, Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby.

Lake County, other than Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby.

This decontrols the Villages of North Olmsted and West View, both in Cuyahoga County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective January 17, 1950.

Issued this 16th day of January 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-555; Filed, Jan. 18, 1950;
8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 524—EMPLOYMENT OF HANDICAPPED PERSONS

In view of the amendments to the Fair Labor Standards Act provided by the Fair Labor Standards Amendments of 1949, which, among other things, increased the minimum wage required to be paid under section 8 of the act from 40 cents to 75 cents an hour, effective January 25, 1950, the regulations contained in this part have been reexamined. As a result of this reexamination the Administrator, on December 16, 1949, published in the *FEDERAL REGISTER* (14 F. R. 7531) a proposed revision of this part and granted interested persons 15 days within which to submit data, views and arguments thereon. This period has now expired. All comments and materials which were submitted have been carefully considered.

The changes to be made are designed to clarify the regulations by rearranging sections and simplifying language. The changes are for the most part of a formal nature.

Accordingly, pursuant to the authority vested in me by section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068, 29 U. S. C. 214; as amended 63 Stat. 910), the regulations contained in this part are hereby revised as published in the *FEDERAL REGISTER* of December 16, 1949 (14 F. R. 7531), with changes as indicated below.

1. In § 524.1, change "Wage and Hour and Public Contracts Divisions," to read, "Wage and Hour Division," and omit the words "of 1938" after the words "Fair Labor Standards Act."

2. In §§ 524.2; 524.4, first paragraph; and § 524.5 (a) and (c), change "Wage and Hour and Public Contracts Divisions," to read "Wage and Hour Division."

3. In § 524.7, omit the letter "s" at the end of the last word, "certificates," in the second paragraph.

4. In § 524.8, change the second paragraph to read as follows:

No certificate regularly scheduled to expire at the end of the term specified in this part shall expire until any application for renewal which has been properly executed in accordance with the requirements of this part and has been filed prior to the expiration date of the certificate, shall have been finally determined.

5. In § 524.10, change the last clause of the second paragraph to read as follows: "facts or conduct which may warrant such action will be called to the attention of the employer, and he shall be afforded an opportunity to demonstrate or achieve compliance."

It is the judgment of the Administrator that proper administration of the Fair Labor Standards Act requires that the effective date of the revision of this part coincide with the effective date of the Fair Labor Standards Amendments of 1949. Accordingly, the regulations contained in this part, as hereby revised, shall become effective on January 25, 1950, and shall continue in full force and

effect until hereafter modified, superseded, or rescinded.

Signed at Washington, D. C., this 16th day of January 1950.

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

Part 524, as revised, reads as follows:

Sec.	
524.1	Application to be made to Regional Directors.
524.2	Application on official forms.
524.3	Completion of application.
524.4	Handicapped persons being vocationally rehabilitated.
524.5	Vocational rehabilitation of disabled veteran trainees by Veterans' Administration.
524.6	Conditions for granting certificates.
524.7	Requirements relating to rates.
524.8	Duration of certificates.
524.9	Preservation of certificate by employer.
524.10	Revocation and cancellation.
524.11	False evidence.
524.12	Petition for review.
524.13	Petition for amendment of regulations.

AUTHORITY: §§ 524.1 to 524.13 issued under 52 Stat. 1068, as amended; sec. 14, 29 U. S. C. and Sup. 214.

§ 524.1 *Application to be made to Regional Directors.* Application may be made to the Regional Director of the administrative region of the Wage and Hour Division, United States Department of Labor, in which the worker in question is employed, to employ a worker whose earning capacity is impaired by age or physical or mental deficiency or injury at a wage lower than the minimum wage applicable under section 8 of the Fair Labor Standards Act, as amended (hereinafter referred to as the act), whenever employment at such lower rate is necessary to prevent curtailment of opportunities for employment.

§ 524.2 *Application on official forms.* Such application shall be made upon official forms of the Wage and Hour Division and shall be signed by both the handicapped worker and the employer. Such forms require to be set forth, among other things, a description of the job at which the employee is to be employed, the nature of the handicap, the total number of handicapped and non-handicapped persons in the establishment, the amount per hour the firm proposes to pay or guarantee the employee, the hourly earnings range of nonhandicapped workers performing the same type of work for the most recent two-week period, and the actual earnings of the employee for the most recent 8 weeks.

§ 524.3 *Completion of application.* Description of the alleged disability must be set out in detail, and an explanation made of the manner in which it results in a specific handicap for the proposed employment. Vague statements such as "nervous condition", "physically incapacitated", "slow worker", etc., will not suffice.

§ 524.4 *Handicapped persons being vocationally rehabilitated.* Where an employer desires to employ a handicapped worker under the supervision of an authorized vocational rehabilitation

agency (exclusive of the Veterans' Administration) at a rate lower than the minimum wage applicable under section 6 of the act, application shall be made in the manner provided in § 524.1, but on a special form of the Wage and Hour Division. Such employment shall be governed by the regulations of this part as modified by this section.

Such application shall set forth the nature and length of training required and the terms and conditions under which the handicapped rehabilitation trainee is to be employed. The application shall be signed by the employer, the employee-trainee and a representative of the vocational rehabilitation agency having jurisdiction and shall be transmitted to the Regional Director by the vocational rehabilitation agency. No training period may be extended beyond the limits set in the training certificate except upon the written request of the supervising vocational rehabilitation agency to the Regional Director setting forth:

(a) The reasons for requesting such extension.

(b) The basis upon which a revised rate may be set, and

(c) The estimated additional time required to complete his training program.

A handicapped worker's certificate shall not be issued for a vocational rehabilitation trainee who has completed training, for employment in the establishment wherein he received his training, or in an industrial concern of similar character, except upon the written recommendation of the vocational rehabilitation agency having jurisdiction.

§ 524.5 Vocational rehabilitation of disabled veteran trainees by Veterans' Administration. (a) Temporary certificates authorizing the employment of veterans handicapped by a service-incurred disability (as determined by the Veterans' Administration) under any vocational rehabilitation program administered by the Veterans' Administration at wages lower than the minimum wage applicable under section 6 of the act may be issued by such representatives of the Veterans' Administration as shall have been duly designated by the Administrator of the Wage and Hour Division, United States Department of Labor, as his authorized representatives, for that purpose, whenever employment at such lower rate is necessary in order to prevent curtailment of opportunities for employment.

(b) A temporary certificate shall authorize the employment by the named employer of the named veteran trainee in the position designated at such specified rate or rates lower than the minimum wage applicable under section 6 of the act and shall be valid for a period not to exceed 90 days from the date of issuance.

(c) Within 10 days after issuance of a temporary certificate, a copy thereof shall be forwarded by the authorized representative of the Veterans' Administration to the appropriate Regional Director of the Wage and Hour Division, United States Department of Labor, together with his recommendation covering the agreed subminimum rate or rates

for the balance of the veteran's training period. The authorized regional representative, pursuant to the regulations contained in this part, may then issue a special certificate prior to and effective upon the expiration of the temporary certificate.

(d) All the provisions of the regulations contained in this part shall be applicable to temporary certificates and special certificates issued under this section, except to the extent that they are inconsistent with the provisions of this section.

§ 524.6 Conditions for granting certificates. If the application is in proper form and sets forth facts showing

(a) That the worker is handicapped within the meaning of section 14 of the act;

(b) That such handicap has impaired the earning capacity of the worker for the particular position for which the application is made, and the nature of such impairment; and

(c) That such worker should be employed at a wage lower than the minimum wage applicable under section 6 of the act to prevent curtailment of such worker's opportunities for employment, the authorized regional representative of the Administrator may issue a special certificate or a special certificate for employment training authorizing the employment by the named employer of the named worker in the position designated at such rate lower than the minimum wage applicable under section 6 of the act and for such length of time as the said authorized representative determines to be necessary to prevent curtailment of opportunities for employment, subject to the limitations prescribed in the regulations contained in this part.

To determine whether the facts justify the issuance of a special certificate for a handicapped worker, the authorized representative may in any case order an investigation and require additional data or facts or may require that the worker take a medical examination, or may require that certain facts be certified to by designated officers of the State or Federal Government.

§ 524.7 Requirements relating to rates. The wage rate set in the special certificate shall be fixed at a figure designed to reflect adequately the individual worker's earning capacity. No wage rate shall be fixed at less than 75 percent of the applicable minimum wage, unless after investigation a lower wage rate appears to be clearly justified.

In establishments where nonhandicapped workers in the same occupation are employed on a piece-rate basis, the handicapped worker shall be paid his full piecework earnings if in excess of the minimum wage established in the certificates.

No provision of the regulations in this part shall excuse non-compliance with any other Federal law or State law or municipal ordinance establishing a minimum wage higher than the subminimum wage authorized in any special certificate issued pursuant to the regulations contained in this part.

§ 524.8 Duration of certificates. Special certificates shall be valid under the terms set out in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under the regulations in this part.

No certificate regularly scheduled to expire at the end of the term specified in this part shall expire until any application for renewal which has been properly executed in accordance with the requirements of this part and has been filed prior to the expiration date of the certificate, shall have been finally determined.

§ 524.9 Preservation of certificate by employer. A copy of the certificate shall be given the employer who shall keep his copy on file in the same place at which the worker's employment records are maintained. If the handicapped worker dies or leaves the employment of the employer holding a special certificate for such worker, the employer shall nevertheless retain his copy of the certificate for the length of time specified in § 516.14 of this chapter. Similarly, if any special certificate is cancelled or suspended, the employer holding such certificate shall nevertheless retain it: *Provided, however, That he shall file with such certificate the notice of its cancellation or suspension.*

§ 524.10 Revocation and cancellation. Any special certificate may be revoked by the Administrator or his authorized regional representative for cause at any time.

Except in cases of willfulness or those in which the public interest requires otherwise, before any contemplated action for the cancellation or revocation of any special certificate for the employment of a handicapped worker will be considered, facts or conduct which may warrant such action will be called to the attention of the employer, and he shall be afforded an opportunity to demonstrate or achieve compliance.

§ 524.11 False evidence. No employer shall set forth any fact or facts in his application which he knows or has reasonable cause to believe are false and any certificate issued on such an application shall be null and void.

§ 524.12 Petition for review. Any person aggrieved by any action of an authorized regional representative of the Administrator, taken pursuant to any of the regulations contained in this part, may within 15 days thereafter, or within such further time as the Administrator, for cause shown, may allow, file with the Administrator a petition for review of such action, praying for such relief as is desired. Each such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the action being reviewed. All interested parties will be afforded an opportunity to be heard, either in support of or in opposition to the matters prayed for in the petition, or will be af-

RULES AND REGULATIONS

for the other opportunity to present their views.

§ 524.13 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing regulations applicable to handicapped workers may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If the Administrator believes that reasonable cause for amendment of the rules and regulations is set forth, the Administrator will either schedule a hearing, with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, both in support of and in opposition to the proposed changes.

[F. R. Doc. 50-563; Filed, Jan. 18, 1950; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. In § 127.19 *Special delivery (Express) service* (13 F. R. 9080) amend paragraph (a) by inserting "Hungary" between "Guatemala" and "Ireland" in the list of countries in said paragraph.

2. In § 127.218 *Bolivia* (13 F. R. 9119) make the following changes:

a. Amend subdivision (i) of paragraph (b) (1) to read as follows:

(i) Surface parcels.

[Rates include transit charges and surcharges]

(All places except Cochabamba, La Paz, Oruru, Potosi, Sucre, Tupiza, Uyuni and Villazon)

Pounds:	Rate	Pounds:	Rate
1	\$0.79	23	\$6.65
2	.93	24	6.79
3	1.56	25	6.93
4	1.70	26	7.07
5	1.84	27	7.21
6	1.98	28	7.35
7	2.12	29	7.49
8	2.75	30	7.63
9	2.89	31	7.77
10	3.03	32	7.91
11	3.17	33	8.05
12	4.46	34	8.84
13	4.60	35	8.98
14	4.74	36	9.12
15	4.88	37	9.26
16	5.02	38	9.40
17	5.16	39	9.54
18	5.30	40	9.68
19	5.44	41	9.82
20	5.58	42	9.96
21	5.72	43	10.10
22	5.86	44	10.24

(Cochabamba, Potosi, Sucre, Tupiza, Uyuni and Villazon)

Pounds:	Rate	Pounds:	Rate
1	\$0.63	11	\$2.36
2	.77	12	2.82
3	1.07	13	2.98
4	1.21	14	3.10
5	1.35	15	3.24
6	1.49	16	3.38
7	1.63	17	3.52
8	1.94	18	3.66
9	2.08	19	3.80
10	2.22	20	3.94

[Rates include transit charges and surcharges]

(Cochabamba, Potosi, Sucre, Tupiza, Uyuni and Villazon)

Pounds:	Rate	Pounds:	Rate
21	\$4.08	33	\$6.09
22	4.22	34	6.56
23	4.69	35	6.70
24	4.83	36	6.84
25	4.97	37	6.98
26	5.11	38	7.12
27	5.25	39	7.26
28	5.39	40	7.40
29	5.53	41	7.54
30	5.67	42	7.68
31	5.81	43	7.82
32	5.95	44	7.96

b. Amend the information below the tabulation of air parcel rates, subdivision (ii) of paragraph (b) (1) by deleting "Weight limit: 11, 22, 44 pounds" and by inserting, in lieu thereof, "Weight limit: 44 pounds."

c. Delete the footnote following the tabulated information in subdivision (ii) of paragraph (b) (1).

3. In § 127.232 *Colombia* (13 F. R. 9132) amend subdivision (v) of paragraph (b) (8) to read as follows:

(v) If the value of the parcel does not exceed 50 Colombian pesos (about \$25.65), the sender must add to the commercial invoice a declaration of origin of the merchandise, in Spanish, reading as follows:

Certificamos bajo juramento que los precios de esta factura son los mismos que cargamos al cliente y que la mercancía a que se refiere esta misma factura es originaria de _____.

En fe de lo expuesto

(Country of origin)

firmamos la presente declaración en

_____ de _____

(City, State) (Day) (Month)

de _____

(Year)

(Signature of shipper)

(Translation: We certify under oath that the prices in this invoice are the same that we charge our customers, and that the merchandise in this same invoice comes from _____). In faith of which we

(Country of origin)

sign the present declaration at _____

, on _____).

(City, State) (Date)

4. In § 127.239 *Czechoslovakia* (13 F. R. 9138; 14 F. R. 7454) amend paragraph (a) (8) as follows:

a. Redesignate subdivision (vii) as (viii).

b. Redesignate subdivision (vi) as (vii).

c. Redesignate subdivision (v) as (vi).

d. Redesignate subdivision (iv) as (v).

e. Redesignate subdivision (iii) as (iv).

f. Redesignate subdivision (ii) as (iii).

g. Redesignate subdivision (i) as (ii) and amend to read as follows:

(ii) The importations of Slovak, Czech, or Czechoslovak silver coins and subsidiary coins, of valuable papers (paper money, securities, etc.) of any kind, as well as of savings booklets, is permitted only by authorization of the Czechoslovak National Bank at Praha.

382
h. Insert a new subdivision (i) to read as follows:

(i) Postage stamps may be sent to Czechoslovakia only if addressed to members of philatelic organizations for their own collections. Shipments are limited to not more than 250 stamps or stamped papers not exceeding 500 Czechoslovak crowns in value, and may not include any uncancelled valid Czechoslovak stamps. The shipments will not be admitted into Czechoslovakia unless they bear a special green label with the words "Timbres-Poste" (Postage stamps) in red and showing the serial number of the addressee and the number of the particular shipment. The labels must be obtained by the addressee from the "Orbis" registration office in Prague, and sent to the sender in this country.

5. In § 127.276 *Hungary* (13 F. R. 9167) amend paragraph (a) (5) to read as follows:

(5) *Special delivery.* Fee, 20 cents. Where the domicile of the addressee is located outside of the local radius, a special fee is collected at the time of delivery.

6. In § 127.341 *Rumania* (13 F. R. 9211; 14 F. R. 6660) make the following changes:

a. Amend the information below the tabulation in the table of rates, subparagraph (1) (i) of paragraph (b), by deleting "Customs declarations: 2 Form 2966" and by inserting in lieu thereof, "Customs declarations: 1 Form 2966."

b. Amend subdivision (vii) (b) of paragraph (b) (5) to read as follows:

(b) Parcels mailed under this arrangement must bear postage at the usual rate, have affixed one postal customs declaration and one dispatch note, and otherwise comply with the normal requirements for parcels sent as gifts to Rumania.

7. In § 127.380 *Yugoslavia* (13 F. R. 9237) amend the table of rates in subdivision (i) of paragraph (b) (1) to read as follows:

Pounds:	Rate	Pounds:	Rate
1	\$0.23	23	\$3.53
2	.38	24	3.68
3	.53	25	3.83
4	.68	26	3.98
5	.83	27	4.13
6	.98	28	4.28
7	1.13	29	4.43
8	1.28	30	4.58
9	1.43	31	4.73
10	1.58	32	4.88
11	1.73	33	5.03
12	1.88	34	5.18
13	2.03	35	5.33
14	2.18	36	5.48
15	2.33	37	5.63
16	2.48	38	5.78
17	2.63	39	5.93
18	2.78	40	6.08
19	2.93	41	6.23
20	3.08	42	6.38
21	3.23	43	6.53
22	3.38	44	6.68

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-547; Filed, Jan. 18, 1950;
8:45 a. m.]

TITLE 43—PUBLIC LANDS:
INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders
[Public Land Order 628]

ARKANSAS

WITHDRAWING PUBLIC LANDS FOR USE OF
THE DEPARTMENT OF THE ARMY FOR FLOOD
CONTROL PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943 it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas in the Ouachita National Forest, Arkansas, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the Blakely Mountain Reservoir Project, Arkansas, under the supervision of the Department of the Army, as authorized by the act of December 22, 1944, 58 Stat. 887, 895, Red-Ouachita River Basin:

5TH PRINCIPAL MERIDIAN

T. 1 N., R. 22 W.
Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
T. 1 S., R. 20 W.
Sec. 29, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$;
T. 1 S., R. 21 W.
Sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 24, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 30, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 36, S $\frac{1}{2}$ SE $\frac{1}{4}$;

T. 2 S., R. 22 W.
Sec. 4, S $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 8, S $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 24, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 25, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 2 S., R. 24 W.
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 2 S., R. 24 W.
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 2 S., R. 24 W.
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 2 S., R. 24 W.
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

T. 2 S., R. 24 W.
Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 2 S., R. 24 W.
Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 2 S., R. 24 W.
Sec. 33, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;

T. 2 S., R. 24 W.
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 7, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 10, all;
Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 17, NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
T. 1 S., R. 22 W.
Sec. 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 3, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 5, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$:
Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 24, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 25, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 30, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 36, S $\frac{1}{2}$ SE $\frac{1}{4}$;

T. 2 S., R. 23 W.
Sec. 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 3, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 6, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 7, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 10, all;
Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 19, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 1 S., R. 21 W.
Sec. 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

No. 12—3

Sec. 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 30, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;

T. 1 S., R. 22 W.
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 1 S., R. 24 W.
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 1 S., R. 24 W.
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 1 S., R. 24 W.
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

T. 1 S., R. 24 W.
Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 1 S., R. 24 W.
Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 1 S., R. 24 W.
Sec. 33, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;

T. 1 S., R. 24 W.
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described, including both public and non-public lands, aggregate 26,146.32 acres.

This order shall take precedence over but not modify (1) proclamations No. 786 of December 18, 1907, No. 857 of February 27, 1909, No. 1964 of August 19, 1931, and No. 2201 of October 12, 1936, and Executive Order No. 4436 of April 29, 1926, establishing, enlarging, modifying, or changing the name of a national forest, and (2) existing withdrawals for power purposes identified as Power Site Reserves Nos. 350 and 353 and Federal Power Commission Project No. 271, so far as such proclamations, order, and withdrawals affect any of the above-described lands.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 13, 1950.

[F. R. Doc. 50-558; Filed, Jan. 18, 1950;
8:48 a. m.]

[Public Land Order 629]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF
THE DEPARTMENT OF THE AIR FORCE AS A
BOMBING AND GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, and section 1 of the act of June 28, 1934, as amended, 48 Stat. 1269 (43 U. S. C. 315), it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force as a bombing and gunnery range.

RULES AND REGULATIONS

ment of the Air Force as a bombing and gunnery range:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 15 E., Secs. 25, 26, 27, 28, 33, 34, 35, and 36.

T. 24 S., R. 15 E., Secs. 1 to 4 inclusive, 9 to 16 inclusive, 21 to 28 inclusive, and 33 to 36 inclusive.

T. 25 S., R. 15 E., Secs. 1 to 4 inclusive, and 9 to 16 inclusive.

T. 23 S., R. 16 E., Secs. 25 to 36 inclusive.

T. 24 S., R. 16 E., Secs. 1 to 18 inclusive.

T. 25 S., R. 16 E., Secs. 1 to 18 inclusive.

T. 23 S., R. 17 E., Secs. 25 to 36 inclusive.

T. 24 S., R. 17 E., Secs. 1 to 18 inclusive.

T. 25 S., R. 17 E., Secs. 1 to 18 inclusive.

T. 23 S., R. 18 E., Secs. 25 to 36 inclusive.

T. 24 S., R. 18 E., Secs. 25 to 36 inclusive.

T. 23 S., R. 19 E., Secs. 25 to 36 inclusive.

T. 24 S., R. 19 E., Secs. 4 to 9 inclusive, 16 to 21 inclusive, and 28 to 33 inclusive.

T. 25 S., R. 19 E., Secs. 4 to 9 inclusive, 16 to 21 inclusive, and 28 to 33 inclusive.

T. 23 S., R. 20 E., Secs. 4 to 9 inclusive, 16 to 21 inclusive, and 28 to 33 inclusive.

T. 24 S., R. 20 E., Secs. 4 to 9 inclusive, 16 to 21 inclusive, and 28 to 33 inclusive.

T. 25 S., R. 20 E., Secs. 4 to 9 inclusive, 16 to 21 inclusive, and 28 to 33 inclusive.

The areas described including both public and non-public lands aggregate 296,599.65 acres.

This order shall take precedence over, but not otherwise affect, the order of October 7, 1947, of the Secretary of the Interior establishing New Mexico Grazing District No. 4, so far as such order affects any of the above-described lands.

The following-described lands may be used for grazing purposes under the provisions of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315 et seq.) at such times and in such manner as may be agreed upon by the Secretary of the Air Force and the Secretary of the Interior:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 19 E., Secs. 25, 26, 27, 34, 35, and 36.

T. 24 S., R. 19 E., Secs. 1, 2, 3, 10 to 15 inclusive, 22 to 27 inclusive, and 34, 35 and 36.

T. 25 S., R. 19 E., Secs. 1, 2, and 3.

T. 23 S., R. 20 E., Secs. 28 to 33 inclusive.

T. 24 S., R. 20 E., Secs. 4 to 9 inclusive, 16 to 21 inclusive, and 28 to 33 inclusive.

T. 25 S., R. 20 E., Secs. 4 to 9 inclusive, 16 to 21 inclusive, and 28 to 33 inclusive.

T. 26 S., R. 20 E., Secs. 4 to 9 inclusive, 16 to 21 inclusive, and 28 to 33 inclusive.

It is intended that the lands described above shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

ern boundary of Fort Wingate Military Reservation.

N. 0° 19' W., 552.0 feet along the western boundary to point of beginning.

The tract described contains 99.57 acres.

This order shall become effective at 10:00 a. m. on the 35th day after the date of this order.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 13, 1950.

[F. R. Doc. 50-561; Filed, Jan. 18, 1950; 8:49 a. m.]

181 [Public Land Order 631]

COLORADO

MODIFYING PUBLIC LAND ORDER NO. 13 TO PERMIT THE ISSUANCE OF OIL AND GAS LEASES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The Executive Order of February 18, 1870 reserving and setting apart certain lands in New Mexico for the use of the War Department as a military reservation is hereby revoked so far as it affects the following-described land:

Beginning at the northwest corner of Fort Wingate Military Reservation, from which the northwest corner of sec. 15, T. 15 N., R. 17 W., N. M. P. M. bears West, 1,824.9 feet, North 1,303.5 feet, thence by metes and bounds:

S. 0° 19' E., 688.7 feet along the western boundary of Fort Wingate Military Reservation to a point on the southern boundary of the Atchison Topeka and Santa Fe R. R. right-of-way.

S. 86° 45' E., 5,835.3 feet along the south boundary of the right-of-way.

S. 73° 07' E., 1,062.0 feet along the right-of-way.

S. 64° 57' E., 1,634.5 feet along the right-of-way to a point on the north boundary of U. S. Highway No. 66 right-of-way.

Westerly 1,731.0 feet along the Highway right-of-way, on a curve to the left whose radius is 8,695 feet and whose tangent bears N. 74° 27' W. at point of tangency.

N. 85° 51' W., 6,652.7 feet along the Highway right-of-way to intersection with west-

SIXTH PRINCIPAL MERIDIAN

T. 29 S., R. 60 W., Sec. 27, E 1/2, N 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, and S 1/2 SW 1/4.

The areas described aggregate 560 acres.

Any lease so issued shall contain such stipulations as may be required by the Secretary of the Interior for the protection of the helium deposits in the lands.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 13, 1950.

[F. R. Doc. 50-562; Filed, Jan. 18, 1950; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 124]

ALIEN PROFESSIONAL SINGERS
EXEMPTION FROM CONTRACT LABOR LAWS

SEPTEMBER 9, 1949.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5

U. S. C. 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rule relating to the exemption of alien professional singers from the provisions of the contract labor laws. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1-1237, Temporary Federal Office Build-

ing X, 19th and East Capitol Streets, NE, Washington 25, D. C., written data, views, or arguments relative to the substantive provisions of the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Paragraph (c) of § 124.2 Exemptions of certain aliens from contract labor: definitions, Chapter I, Title 8 of the Code

of Federal Regulations, is amended so that when taken with the introductory sentence it will read as follows:

§ 124.2 Exemption of certain aliens from contract labor; definitions. Aliens falling within the purview of § 124.1 may be admitted to the United States, upon presenting satisfactory evidence that they are:

(c) Professional singers: *Provided*, That an alien who comes to the United States to sing and to play a musical instrument, either singly or in concert with others, shall not be considered as a professional singer unless his playing of the musical instrument is limited to incidental self-accompaniment;

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458 (a))

WATSON B. MILLER,
Commissioner of
Immigration and Naturalization.

Approved: January 13, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50-565; Filed, Jan. 18, 1950;
8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO-215]

HANDLING OF MILK IN SUBURBAN ST. LOUIS,
MO., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKET-
ING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of a public hearing to be held at the Broadview Hotel, East St. Louis, Illinois, beginning at 9:30 a. m. c. s. t., February 23, 1950. This public hearing is for the purpose of receiving evidence with respect to a proposed marketing agreement and order, regulating the handling of milk in the Suburban St. Louis, Missouri, marketing area the provisions of which are herein-after set forth, and any modifications thereof. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order and any modification thereof. The provisions of the proposals for a marketing agreement and order, heretofore filed with the undersigned, are as follows:

Marketing Agreement and order proposed by the Sanitary Milk Producers, St. Louis, Missouri:

SECTION 1. Definitions. The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in sections 5 and 8.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association: (1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;" and (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(f) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(g) "Suburban St. Louis marketing area," hereinafter referred to as "marketing area," means the territory lying within Madison, Monroe, Bond, Clinton (except the townships of East Fork, Meridian, and Brookside), and St. Clair Counties (except East St. Louis, Centerville, Canteen, and Stites Townships and Scott Field military reservation), all in Illinois; and St. Charles, Jefferson Counties and Meramec Township and Bonhamme Township except Valley Park and Kirkwood in St. Louis County in Missouri.

(h) "Route" means a delivery (including at a plant store) of milk, cream, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

(i) "Approved plant" means a milk processing or distributing plant from which a route is operated wholly or partially within the marketing area. The term "approved plant" does not include any portions of the plant or facilities used for processing milk or any milk product required by the appropriate health authorities to be kept physically separate from that portion of the plant facilities used for receiving, processing, or packaging milk or fluid milk products.

(j) "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

(k) "Handler" means: (1) The operator of an approved plant in his capacity as such; or (2) a cooperative association with respect to milk of producers caused to be diverted for its account to an unapproved plant.

(l) "Producer" means any person, except a producer-handler, who produces milk for distribution as milk within the marketing area, which milk is received at an approved plant or is diverted by a

cooperative association for its account to an unapproved plant.

(m) "Producer milk" means milk of one or more producers produced and received or diverted under the conditions set forth in paragraph (l) of this section.

(n) "Other source milk" means skim milk or butterfat received at an approved plant except that in producer milk, in receipts from other handlers, and in any non-fluid milk product received from a non-handler and disposed of in the same form as received.

(o) "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

(p) "Grade A milk" means producer milk which is produced in conformity with the Grade A quality requirements of the milk ordinances of any of the several municipalities in the marketing area or the Grade A Milk and Grade A Milk Products Law of the State of Illinois or the Grade A Milk Law of the State of Missouri.

SEC. 2. Market administrator—(a) Designation. The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

(b) Powers. The market administrator shall have the following powers with respect to this order:

- (1) To administer its terms and provisions;
- (2) To receive, investigate, and report to the Secretary complaints of violations;
- (3) To make rules and regulations to effectuate its terms and provisions; and
- (4) To recommend amendments to the Secretary.

(c) Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by section 9;

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation; and

(iii) All other expenses, except those incurred under section 10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions pro-

PROPOSED RULE MAKING

vided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such act, has not made (i) reports pursuant to section 3 or (ii) payments pursuant to sections 8, 9, 10, or 11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them, to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to section 5, and

(ii) On or before the 12th day after the end of such delivery period, the uniform prices computed, pursuant to section 7, and the butterfat differential computed pursuant to section 8; and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(12) Determine the status of each producer with respect to his membership in any cooperative association or his status as a non-member.

Sec. 3. Reports, records, and facilities—(a) Delivery period reports of receipts and utilization. On or before the 8th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such delivery period of (i) producer milk, (ii) skim milk and butterfat in any form from any other handler, and (iii) other source milk; and to the sources thereof;

(2) The product pounds of non-fluid milk products received from any non-handler and disposed of in the same form;

(3) The utilization of all receipts required to be reported under subparagraphs (1) and (2) of this paragraph; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show (i) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(1) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(2) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(3) Payments to producers and cooperative association; and

(4) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

Sec. 4. Classification—(a) Skim milk and butterfat to be classified. All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the skim milk and butterfat described in paragraph (a) of this section shall be classified separately by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat;

(i) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk or flavored milk drink (except as provided in subparagraph (2) (iii) of this paragraph);

(ii) Cream or as any mixture containing cream and milk or skim milk (not including ice cream mix) containing not less than 8 percent of butterfat.

(iii) Not specifically accounted for as any item included under (i) of this subparagraph or as Class II milk, and

(iv) Eggnog.

(2) Class II milk shall be all skim milk and butterfat:

(i) Used to produce a milk product other than any of those specified in subparagraph (1) of this paragraph;

(ii) In actual plant shrinkage of producer milk computed pursuant to paragraph (c) of this section, but not in excess of 2 percent of total producer receipts;

(iii) In inventory variation of milk, skim milk, cream or of any Class I product;

(iv) In skim milk, flavored milk, flavored milk drink, or buttermilk dumped or disposed of for livestock feed; and

(v) In actual plant shrinkage of other source milk computed pursuant to paragraph (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) of this paragraph between (i) producers' milk and (ii) other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat (except that transferred to a producer-handler) classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk, or cream, to the approved plant of another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (g) (1) (ii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next higher priced available utilization: *And provided further*, That in no event shall skim milk or butterfat so transferred or diverted be so classified that other source

milk is assigned to any higher class in the plant of the transferring handler than the lowest class to which producer milk other than allowable shrinkage is assigned to the plant of the transferee-handler, after application of the allocation provisions of paragraph (g) of this section.

(2) As Class I milk if transferred or diverted to a producer-handler.

(3) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk, or cream, to an unapproved plant unless, except as provided in subparagraph (4) of this paragraph:

(i) The handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 8th day after the end of the delivery period within which such transaction occurred;

(ii) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification.

(iii) Such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next higher-priced available use in accordance with the classes set forth in paragraph (b) of this section; and

(4) As Class I milk if transferred or diverted in the form of milk or skim milk, and as Class II milk if so disposed of in the form of cream, to an unapproved plant located 100 miles or more from the marketing area, by shortest highway distance as determined by the market administrator.

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk.

(g) *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to paragraph (f) of this section, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to paragraph (b) (2) (ii) of this section.

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced class in which the handler has use, the pounds of skim milk contained in other source milk.

(iii) Allocate the remaining pounds of skim milk contained in Grade A milk received from producers, cooperative

associations, and other handlers to the highest priced classes in which the handler has use, and allocate the remaining pounds of skim milk contained in non-Grade A milk received from producers, cooperative associations, and other handlers to the lowest priced classes remaining in which the handler has use.

(iv) If the amounts of skim milk allocated pursuant to subdivision (iii) of this subparagraph are less than the total amount of skim milk remaining after making the subtraction pursuant to subdivision (ii) of this subparagraph, the remaining pounds of skim milk shall be ratably apportioned between the skim milk allocated to Grade A milk and that allocated to non-Grade A milk.

(v) Subtract from the amounts obtained by adding together the results obtained in subdivisions (iii) and (iv) of this subparagraph, the pounds of skim milk contained in Grade A and non-Grade A milk, respectively, received from other handlers which are not cooperative associations in accordance with its classification as determined pursuant to paragraph (e) of this section.

(vi) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subdivision (i) of this subparagraph.

(vii) If any skim milk has been added pursuant to subdivision (iv) of this subparagraph to either the Grade A or the non-Grade A skim milk, the amount so added shall be subtracted from such skim milk in series beginning with the lowest priced classification to which Grade A or non-Grade A skim milk has been allocated.

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

Sec. 5. *Minimum prices*—(a) *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk which shall be the minimum price for any class of milk to be used in determining the Class I and Class II prices provided by this section shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator pursuant to subparagraphs (1), (2), or (3) of this paragraph, computed to the nearest cent.

(1) The average of the basic (or field prices per hundredweight) reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.
Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.

Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Greenville, Ill.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed as follows:

(i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department during the delivery period, subtract 2 cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the arithmetical average of the carlot prices per pound of nonfat dry skim milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department during the delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "6.5" shall be substituted for "5.5" in the above formula.

(b) *Class I milk prices.* Subject to the provisions of paragraph (d) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk and non-Grade A producers' milk classified as Class I milk, shall be the basic formula price for the preceding delivery period determined pursuant to paragraph (a) of this section, plus the following:

Delivery period	Grade A milk	Nongrade A milk
April, May, and June	\$0.90	\$0.45
July, August, September, October, November, and December	1.35	.90
All other months	1.10	.65

Provided, That except as provided in paragraph (a) of this section if for the 12 months preceding July and January of any year the total production of producer milk was less than 115 percent of the total Class I milk of the market,

PROPOSED RULE MAKING

2 cents per hundredweight shall be added to such price during the delivery periods July through December and 1 cent per hundredweight shall be added to such price during the delivery periods January through March for each full percentage point that the total receipts of producer milk is less than 115 percent of total Class I milk of the market: *And provided further*, That if for the 12 months preceding July, December, or April of any year the total receipts of producer milk is more than 115 percent of the total Class I milk of the market, then 2 cents per hundredweight shall be deducted from such prices for each such period for each full percentage point that the receipts of producer milk are more than 115 percent of the total Class I milk of the market.

(c) *Class II milk prices.* Subject to the provisions of paragraph (d) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat basis, to be paid by each handler, at his plant, for producer milk received and classified as Class II milk shall be the same as the basic formula price for the current delivery period.

(d) *Butterfat differentials to handlers.* If for any handler the weighted average butterfat test of his classified producer milk is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(1) Class I milk—multiply by 1.30 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department for the previous delivery period and divide the result by 10.

(2) Class II milk—multiply by 1.20 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department for the previous delivery period and divide the result by 10.

Sec. 6. *Application of provisions—(a) Producer-handlers.* Sections 4, 5, 7, 8, 9, and 10 shall not apply to a producer-handler.

(b) *Milk subject to pricing under other Federal orders.* Milk priced under any other Federal milk marketing agreement or order for another fluid milk marketing area shall not be subject to the provisions of this order. If such milk is disposed of on a route in the marketing area operated by or for a person subject to regulation under another order, such person shall report as requested by the market administrator, but shall not be considered a handler under this order. If such milk is received at the approved plant of a handler subject to the provisions of this order, it shall be considered as other source milk.

Sec. 7. *Determination of uniform prices—(a) Computation of value of milk.* The value of Grade A producer milk and non-Grade A producer milk received during each delivery period by each handler shall be sums of money

computed separately by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided*, That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to section 3 (a) has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to section 4 (g) (1) (vii) and (2) by the applicable class prices.

(b) *Computation of uniform prices.* For each delivery period the market administrator shall compute separately the uniform prices per hundredweight for Grade A milk and non-Grade A milk received from producers as follows:

(1) Combine into separate totals the values of Grade A milk and non-Grade A milk computed pursuant to paragraph (a) of this section for all handlers who made the reports pursuant to section 3 for such delivery period except those in default of payment required by section 8 for the preceding delivery period.

(2) Add to the amounts computed in subparagraph (1) of this paragraph the cash balance on hand in the producer-settlement fund less the total amount of contingent obligations to handlers pursuant to section 8.

(3) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to section 8 (b) and multiply the results by the total hundredweight of Grade A and non-Grade A milk, respectively, represented by the values included in subparagraph (1) of this paragraph.

(4) Divide the resulting amounts by the total hundredweight of Grade A and non-Grade A milk, respectively, represented by the values included in subparagraph (1) of this paragraph.

(5) Subtract not less than 4 cents nor more than 5 cents from the amounts per hundredweight computed pursuant to subparagraph (4) of this paragraph. The resulting figures shall be the uniform prices for Grade A milk and non-Grade A milk, respectively, received from producers.

(c) *Notification of handlers.* On or before the 12th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(1) The amount and value of his milk in each class and the totals thereof;

(2) The uniform price for non-Grade A and Grade A producers pursuant to paragraph (b) of this section, and the butterfat differentials computed pursuant to section 8 (c); and

(3) The amount to be paid by each handler pursuant to sections 8, 9, and 10.

Sec. 8. *Payment for milk—(a) Time and method of payment.* Each handler shall make payments on or before the 15th day after the end of each delivery period, to each producer or cooperative association, at not less than the uniform prices for Grade A milk and non-Grade A milk for such delivery period pursuant to section 7 (b) adjusted by the producer butterfat differential pursuant to paragraph (b) of this section, for all milk received from such producer or cooperative association during such delivery period.

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to, or subtracted from, the uniform price for milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter in Chicago, as reported by the Department for the delivery period, by 1.20, dividing by 10, and rounding to the nearest tenth of a cent.

(c) *Producer-settlement funds.* The market administrator shall establish and maintain funds known as the "producer-settlement funds" for Grade A milk and non-Grade A milk, respectively, into which he shall deposit all payments made by handlers pursuant to paragraphs (d) and (f) of this section, and out of which he shall make all payments pursuant to paragraphs (e) and (f) of this section: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

(d) *Payments to the producer-settlement funds.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the value of his milk, computed pursuant to section 7 (a), for such delivery period is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform prices adjusted by the producer butterfat differential.

(e) *Payments out of the producer-settlement funds.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, any amount by which the total value of his milk, computed pursuant to section 7 (a), for such delivery period is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform prices adjusted by the producer butterfat differential. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(f) *Adjustments of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement

fund pursuant to paragraph (d) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (e) of this section, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

Sec. 9. Expense of administration. As his pro rata share of the expense incurred pursuant to paragraph (c) (4) of this section, each handler shall pay to the market administrator, on or before the 20th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts at an approved plant, during the delivery period, of milk from producers (including such handler's own production) and other source milk. Each co-operative association which is a handler shall pay such pro rata share of expense on only that milk of producers diverted for the account of such association to an unapproved plant.

Sec. 10. Marketing services—(a) Deductions for marketing services. Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to section 8(a) (2), with respect to milk received from each producer (excluding such handler's own farm production), shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and, on or before the 20th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Cooperative associations. In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to section 8, as are authorized by such producers, and on or before the 20th day after the end of each delivery period pay over such deductions to the association rendering such services.

Sec. 11. Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

Sec. 12. The provisions—(a) Suspension or termination. The Secretary shall, whenever he finds that any or all provisions hereof, or any amendment hereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions hereof, or any amendment hereto.

(b) Continuing obligations. If, upon the suspension or termination of any or all provisions of this order or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

(c) Liquidation. Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

Sec. 13. Separability of provisions. If any provisions hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Proposals submitted by Square Deal Milk Producers Association of Illinois:

1. "Suburban St. Louis marketing area," hereinafter referred to as "marketing area" in the State of Illinois comprises the territory consisting of St. Clair County except East St. Louis, Centerville, Canteen, and Stites Townships and Scott Field Military Reservation, together with the Counties of Madison, Monroe, Clinton, Bond, Jersey, Macoupin, Montgomery, Fayette, Effingham, Marion, Washington, Perry, and Randolph.

2. There shall be added to any provision which shall be inserted in the order to the effect that the price for Class I milk for any delivery period shall fluctuate up or down, depending on whether the total production of producer milk was more or less than 115 percent of the total Class I sales of the market, the following provision: *Provided*, That the Class I price of Grade A milk for the various delivery periods shall not, by

virtue of this provision, decrease below that constituting the Class I price for milk in the St. Louis, Missouri marketing area under Order No. 3, as amended: *And provided further*, That the Class I price for non-Grade A milk for the various delivery periods shall not under this provision decrease below 45 cents per hundredweight under the St. Louis, Missouri marketing area Class I price for milk under Order No. 3, as amended.

3. That there shall be no provision in any order regulating the handling of milk in the Suburban St. Louis marketing area that shall constitute or establish a market-wide pool or any handlers' or producers' settlement funds, but that such order should provide for the payments for milk on an individual-handler basis and shall contain appropriate provisions for the payment by each handler for milk in accordance with his own class utilization thereof.

Proposal submitted by Missouri Valley Creamery Company:

The following named territories: Calaway, Culver, and Femme Osage Townships in St. Charles County and Big River and Meramac Townships in Jefferson County should be deleted from the proposed marketing area.

Proposal submitted by the Staunton Dairy:

The territory composed of Ompghent, Olive, and New Douglas Townships in Madison County, Illinois, and Silver Creek Township in Bond County, Illinois, should be deleted from the proposed marketing area of Suburban St. Louis.

Proposal submitted by Edwardsville Creamery Company:

The proposed marketing area should cover the following Counties in the State of Illinois: Pike, Greene, Macoupin, Montgomery, Shelby, Moultrie, Coles, Clark, and all those Counties located to the south thereof in the State of Illinois.

Proposals submitted by St. Louis Dairy Company:

1. Class I milk shall be all skim milk and butterfat disposed of within the marketing area in fluid form as milk containing not less than 3.25 percent butterfat.

2. Class II milk shall be all skim milk and butterfat disposed of in a product other than above and actual plant shrinkage of producer milk but not in excess of 3 percent of total producer receipts.

Proposal submitted by the Dairy Branch:

Incorporate in any order which might be issued pursuant to this hearing the following provisions:

Retention of records. All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3 year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or

PROPOSED RULE MAKING

specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Termination of obligations. The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2 year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association

of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2 year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2 year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Copies of this notice of hearing may be procured from the Director, Dairy Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., or from the Hearing Clerk, U. S. Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: January 16, 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 60-573; Filed, Jan. 18, 1950;
8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing
AdministrationDAIRY AND POULTRY INSPECTION AND
GRADING DIVISION, DAIRY BRANCH

DELEGATION OF AUTHORITY

In accordance with the rules governing the grading and inspection of poultry and domestic rabbits and edible products thereof (7 CFR, Part 70; 14 F. R. 6835, 7727), the Chief, Dairy and Poultry Inspection and Grading Division, Dairy Branch, Production and Marketing Administration, is authorized to perform the functions of the Administrator with respect to the following sections, or specified portions thereof, of such rules:

§ 70.3 *Grading and inspection programs and services.*

§ 70.5 *Application for grading service or inspection service, except paragraph (b) (4) thereof.*

§ 70.11 *Forms of certificates.*

§ 70.12 *Identifying and marking products, except paragraphs (c), (d), and (e) (1) thereof.*

§ 70.13 *Prerequisites to grading and inspection.*

§ 70.18 *Fees and charges.*

§ 70.19 *Manner of handling products in an official plant.*

§ 70.20 *Ante-mortem inspection.*

§ 70.25 *Retention labels.*

§ 70.31 *Report of inspection work.*

§ 70.32 *Inspection certificates; issuance and disposition.*

§ 70.33 *Supervision of marking and packaging.*

§ 70.39 *Retention labels.*
§ 70.40 *Report of violations.*
§ 70.43 *Application for regrading of a graded product; regrading certificates.*
§ 70.44 *Appeal grading.*

The Chief may, in his discretion, redelegate all or part of the foregoing authority to national supervisors.

Terms used herein shall have the same meaning as when used in the aforesaid rules (7 CFR, Part 70; 14 F. R. 6835).

Done at Washington, D. C., this 16th day of January 1950.

[SEAL] RALPH S. TRIGG,
Administrator, Production
and Marketing Administration.

[F. R. Doc. 50-574; Filed, Jan. 18, 1950;
8:52 a. m.]

writing limitation of \$1,913,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-560; Filed, Jan. 18, 1950;
8:50 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1950, 26th Supp.]

OLD COLONY INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JANUARY 12, 1950.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the act of Congress approved March 23, 1910, 36 Stat. 241, 6 U. S. C. 6-13) as an acceptable surety on Federal bonds. An underwriting limitation of \$770,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1950,
25th Supp.]

BOSTON INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JANUARY 12, 1950.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the act of Congress approved March 23, 1910, 36 Stat. 241, (6 U. S. C. 6-13) as an acceptable surety on Federal bonds. An under-

bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-567; Filed, Jan. 18, 1950;
8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 822, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14234]

SHIGERU ASADA ET AL.

In re: Bonds owned by Shigeru Asada, also known as Sigeru Asada, Asako Asada, Yukie Asada and Thos. Yoshinobu Asada. D-39-17095-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Shigeru Asada, also known as Sigeru Asada, Asako Asada, Yukie Asada and Thos. Yoshinobu Asada, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Four (4) United States Defense Savings Bonds, Series E, of \$50.00 face value each, described as follows:

Bond No.	Registered owner	Date of issue
L4504947....	Mr. Shigeru Asada or Miss Asako Asada.	December 1941.
L4504948....	Sigeru Asada or Miss Yukie Asada.	Do.
L4504949....	Mr. Shigeru Asada or Mr. Thos. Yoshinobu Asada.	Do.
L4504950....	Mr. Shigeru Asada	Do.

presently in the custody of Department of State, Division of Protective Services, 515 22d Street NW, Washington, D. C., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

Name	Amount	OAP file No.
Hiroshi Kawamoto	\$328.71	F-39-6675-E-1
Yae Kawamoto also known as Yae Kawamoto.	180.00	F-39-6674-E-1
Ryosai Miyake also known as Ruyokel Miyaki and as Ryohei Miyaki.	250.00	F-39-6675-E-1
Kotonou Nakano	250.00	F-39-6677-E-1
Toku Sera	250.00	F-39-6678-E-1

[F. R. Doc. 50-569; Filed, Jan. 18, 1950;
8:51 a. m.]

[Vesting Order 14239]

HIROSHI KAWAMOTO ET AL.

In re: Cash owned by Hiroshi Kawamoto and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of \$1,298.71 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the names of the persons listed in said Exhibit A and in the amounts appearing opposite such names, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

[Vesting Order 14242]

OTTO NATHER AND ELIZABETH NAETHER

In re: Bonds and certificate owned by Otto Nather, also known as Otto Naether and as Otto Richard Naether and Elizabeth Naether. F-28-23355-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Nather, also known as Otto Naether, and as Otto Richard Naether, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) United States Postal Savings Certificate of \$50.00 face value, bearing the number F 21083, registered in the name of Otto Nather, presently in the custody of the Department of State, Division of Protective Services, 515 22d Street, NW, Washington, D. C., together with any and all rights thereunder and thereto, and

b. One (1) United States War Savings Bond, Series E, of \$25.00 face value, bearing the number Q48075838E, registered in the name of Otto Nather, presently in the custody of the Department of State, Division of Protective Services, 515 22d Street, NW, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Nather, also known as Otto Naether and as Otto Richard Naether, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: One (1) United States War Savings Bond, Series E, of \$25.00 face value, bearing the number Q68061346E, registered in the names of Otto Naether or Elizabeth Naether, presently in the custody of the Department of State, Divi-

NOTICES

sion of Protective Services, 515 22d Street, NW., Washington, D. C., together with any and all rights thereunder and thereto.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Naether, also known as Otto Naether and as Otto Richard Naether and Elizabeth Naether, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-570; Filed, Jan. 18, 1950;
8:51 a. m.]

[Vesting Order 14246]

ROBERT M. VOGL

In re: Stock and check owned by Robert M. Vogl. F-28-30485-C-1, F-28-30485-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert M. Vogl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty five (25) shares of \$1.00 par value common capital stock of Reo Motors, Inc., 1331 South Washington Avenue, Lansing 20, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by a certificate numbered LC09202, registered in the name of Robert M. Vogl, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation evidenced by one (1) check issued by Reo Motors, Inc., 1331 South Wash-

ington Avenue, Lansing 20, Michigan, numbered 9732, dated March 26, 1945, in the face amount of \$9.37, said check presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under including particularly the right to possession and presentation for payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-571; Filed, Jan. 18, 1950;
8:51 a. m.]

[Vesting Order 9449, Amdt.]

TAIJI OKADA

In re: Bank account and stock owned by Taiji Okada, also known as Taija Okada.

Vesting Order 9449 dated July 18, 1947, as amended is hereby further amended as follows and not otherwise:

By deleting from Exhibit A, attached to the aforesaid Vesting Order 9449, as amended, and by reference made a part thereof, the certificate number "F032907" set forth with respect to ten (10) shares of common stock of Warner Brothers Pictures, Inc., and substituting therefor the number "F032917".

All other provisions of said Vesting Order 9449, as amended and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-572; Filed, Jan. 18, 1950;
8:51 a. m.]

[Vesting Order 14248]

WALTER NEUMANN AND H. NEUMANN

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Walter Neumann, deceased, and H. Neumann also known as Hermann Neumann. F-28-27447-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Walter Neumann, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That H. Neumann, also known as Hermann Neumann, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York, New York, in the amount of \$3,000.00, as of December 31, 1945, arising out of a deposit made by Firma Walter Neumann and representing a portion of a suspense account entitled Other Demand Deposits Deferred Items, maintained by the aforesaid Irving Trust Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Walter Neumann, deceased and H. Neumann also known as Hermann Neumann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Walter Neumann, deceased are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

5. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-536; Filed, Jan. 17, 1950;
8:50 a. m.]

[Return Order 524]

HERMAN SANDBY

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Herman Sandby, 25 Soldalen, Copenhagen, Denmark; 34672; December 2, 1949 (14 F. R. 7261); \$71.25 in the Treasury of the United States. Property to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 4034 (9 F. R. 13781, November 17, 1944) in regard to compositions listed under the name of Herman Sandby in Exhibit A of said vesting order.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-538; Filed, Jan. 17, 1950;
8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE AS A BOMBING AND GUNNERY RANGE¹

For a period of 30 days from the date of publication of the above entitled order,

¹See F. R. Doc. 50-559, Title 43, Chapter I, Appendix, *supra*.

persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 13, 1950.

[F. R. Doc. 50-560; Filed, Jan. 18, 1950;
8:48 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEY OF INVENTORIES AND SALES OF INDEPENDENT RETAIL TRADE ESTAB- LISHMENTS

DETERMINATION

In conformity with the act of Congress approved June 19, 1948, 62 Stat. 478, and due notice of consideration having been published (14 F. R. 7136, November 24, 1949) pursuant to said act, I have determined that annual data relating to independent retail trade establishments are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources.

Retail trade, as the outlet for the products of industry, mining, and agriculture, is of strategic importance in the economy of this country and information such as retail inventory trends and sales-inventory ratios are basic to an analysis of the functioning of the economy. Such agencies as the Council of Economic Advisers and the Board of Governors of the Federal Reserve Board require inventory data in appraising the business outlook and in connection with the review of credit policies. Because figures are needed on all major elements of business investment for the measurement of the gross national product, data on retail inventories also are needed.

Business and industry also are interested in the inventory measures as indicators of the outlook for business activity and as tools for the promotion of business efficiency and stability. Individual retailers can make use of the sales-inventory ratios, derived from the survey, as benchmarks to which their own operation can be related.

The annual survey will collect inventory data from the larger establishments

in the Census Bureau's 68 sample areas. Inasmuch as sales data are already collected on a monthly basis from most of these establishments, duplication will be avoided by requesting only inventory data for those establishments which have reported monthly sales figures regularly to the Bureau. Both inventory and annual sales data will be collected from an additional group of retailers for whom monthly sales figures are not available. Information will be collected annually beginning in 1950 covering each preceding calendar year. The appropriate report form will be furnished to establishments covered by the survey. Additional copies of the forms are available on request to the Director of the Census, Washington 25, D. C.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting the data hereinabove described.

Dated: January 10, 1950.

[SEAL] PHILIP M. HAUSER,
Acting Director.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 50-557; Filed, Jan. 18, 1950;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6259]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

JANUARY 13, 1950.

Notice is hereby given that on January 12, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance and sale of such number of whole shares of its presently authorized but unissued Common Stock (without par value fully paid and non-assessable) as will yield an aggregate price to the Applicant of \$6,000,000 before payment of expenses of issuance, at competitive bidding to underwriters who will agree to make a public offering of all such shares. Applicant proposes to issue such shares on or about March 7, 1950; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, should, on or before the 30th day of January 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-546; Filed, Jan. 18, 1950;
8:45 a. m.]

NOTICES

INTERSTATE COMMERCE
COMMISSION

[4th Sec. Application 24797]

GLAZING COMPOUND FROM CHICAGO, ILL.,
TO OHIO

APPLICATION FOR RELIEF

JANUARY 16, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, pursuant to fourth-section order No. 9800.

Commodities involved: Frit (glazing compound), carloads.

From: Chicago, Ill.

To: North Warren, Salem and Warren, Ohio.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-548; Filed, Jan. 18, 1950;
8:46 a. m.]

[4th Sec. Application 24798]

CHLORINATED CAMPHENE FROM BRUNSWICK, GA., TO THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 16, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariffs I. C. C. Nos. 3648, 3700 and 3647.

Commodities involved: Chlorinated camphene, in packages, carloads.

From: Brunswick, Ga.

To: Points in the southwest.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos.

3648, Supplement 288; 3700, Supplement 204 and 3647, Supplement 233.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-549; Filed, Jan. 18, 1950;
8:46 a. m.]

UNITED STATES MARITIME
COMMISSIONTRANS PACIFIC FREIGHT CONFERENCE
(HONGKONG)

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement 14-10, between the member lines of the Trans Pacific Freight Conference (Hongkong), amends the basic conference agreement (No. 14-1, as amended) by adding a new article providing that any carrier becoming a member of the conference shall thereby become a party to, and any carrier withdrawing from conference membership shall thereby cease to be a party to, any agreements between the member lines of the conference and any other carrier or other person. Agreement 14-1, as amended, applies to and governs the conveyance of all merchandise by the aforesaid conference in the trade from Hongkong, Canton, Amoy, Foochow, Swatow and all other ports in China south of and including Foochow, Indo-China, Siam, Java, and Ceylon to U. S. and Canadian Pacific Coast ports and Hawaii.

Interested parties may inspect this agreement and obtain copies thereof at the Commission's Office of Regulation, Washington, D. C., and may submit to the Commission within 20 days after publication of this notice, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 16, 1950, at Washington, D. C.

By the Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-575; Filed, Jan. 18, 1950;
8:54 a. m.]

PACIFIC WESTBOUND CONFERENCE ET AL,

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement 57-31, between the member lines of the Pacific Westbound Conference and the carriers comprising the Fern Line joint service, covers admission of said joint service carriers (as one party only) to associate membership in the Pacific Westbound Conference. As an associate member the Fern Line will have no vote in Conference affairs, but will be permitted to participate in Conference contracts with shippers, and will be exempted from posting of the usual surety bond. This agreement has been filed to supersede and cancel associate membership agreement 57-26 between the member lines of the Pacific Westbound Conference and the carriers originally comprising the Fern Line joint service.

Agreement 57-30, between the member lines of the Pacific Westbound Conference and the carriers comprising the Ivaran Lines-Far East Service, covers admission of said joint service carriers (as one party only) to associate membership in the Pacific Westbound Conference. As an associate member the Ivaran Lines will have no vote in Conference affairs, but will be permitted to participate in Conference contracts with shippers, and will be exempted from posting of the usual surety bond. This agreement has been filed to supersede and cancel associate membership agreement 57-17 between the member lines of the Pacific Westbound Conference and the carriers originally comprising the Ivaran Lines-Far East Service.

Interested parties may inspect these agreements and obtain copies thereof at the Commission's Office of Regulation, Washington, D. C., and may submit to the Commission within 20 days after publication of this notice written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 16, 1950, at Washington, D. C.

By the Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 50-576; Filed, Jan. 18, 1950;
8:53 a. m.]